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B: Wills 684BREAK: 11.9 -OTHER: 464451

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

ANNE ANDERSON, for herself, and as parent and next friend of CHARLES ANDERSON, and as Administratrix of the estate of JAMES ANDERSON; CHRISTINE ANDERSON; RICHARD AUFIERO, for himself, and as parent and next friend of ERIC AUFIERO, and as Administrator of the estate of JARROD AUFIERO; LAUREN AUFIERO; DIANE AUFIERO, for herself, and as parent and next friend of JESSICA AUFIERO; ROBERT AUFIERO; KATHRYN GAMACHE, for herself, and as parent and next friend of AMY GAMACHE; TODD L. GAMACHE; ROLAND GAMACHE; PATRICIA KANE, for herself, and as parent and next friend of MARGARET KANE; KATHLEEN KANE; TIMOTHY KANE and KEVIN KANE, JR.; KEVIN KANE; DONNA L. ROBBINS, for herself, and as parent and next friend of KEVIN ROBBINS, and as Administrator of the estate of CARL L. ROBBINS, III; MARY J. TOOMEY, for herself, and as next friend of MARY EILEEN TOOMEY, and as Administratrix of the estate of PATRICK TOOMEY; RICHARD J. TOOMEY; JOAN ZONA, for herself, and as Administratrix of the estate of MICHAEL ZONA; RONALD ZONA; ANN ZONA; JOHN ZONA; and PAT ZONA

vs

CRYOVAC, Division of W. R. Grace & Co.; W. R. GRACE & CO.; JOHN J. RILEY COMPANY, Division of BEATRICE FOODS CO.; BEATRICE FOODS CO.; and XYZ Company(ies)

CIVIL ACTION

No. 82-1672-S

Continued deposition of PAUL SHALLINE, taken on behalf of the Plaintiffs, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Valerie T. Wong, Notary Public within and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, commencing at 10:30 o'clock A.M. on Wednesday, March 6, 1985.

Appearances:

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Paul Shalline	2-4	--

EXHIBITS

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1
2 MR. SCHLICHTMANN: I will have this
3 marked as Shalline 7.

4 MR. CHEESEMAN: Which one is that?

5 MR. SCHLICHTMANN: I think I'll go
6 back to Exhibit 3 first, October 30, 1964
7 letter.

8
9 PAUL SHALLINE,
10 a witness called by the Plaintiffs, first having
11 been duly sworn, on oath deposes and says as
12 follows:

13 Direct Examination (Resumed)
14

15 Q (By Mr. Schlichtmann) In response to that
16 letter that you reviewed, did you contact any
17 manufacturers concerning the chemicals that
18 were used at the Woburn plant?

19 A No.

20 Q In response to this letter from the insurance
21 company, Exhibit 3, did you post any warning
22 signs as recommended by the letter?

23 MR. CHEESEMAN: You're asking him
24 about him personally now?

25 MR. SCHLICHTMANN: Yes.

1
2 A I don't believe so.

3 Q All my questions, so I don't have to repeat
4 myself, will refer to the letter of October 30,
5 1964. Do you understand that?

6 A Uh-huh.

7 Q To your knowledge, did anyone at the plant
8 contact the manufacturers concerning chemicals
9 used at the Woburn plant?

10 A Not to my knowledge.

11 Q To your knowledge, were warning signs of any
12 nature posted at the plant concerning
13 chemicals?

14 A I don't know.

15 Q In response to the letter marked Shalline 3,
16 were employee education classes held?

17 A I don't know.

18 Q Did you hold any employee education classes?

19 A No.

20 Q To your knowledge, were employee education
21 classes held at the Woburn plant concerning
22 hazards relating to chemicals used at the
23 plant?

24 MR. CHEESEMAN: In response to this
25 letter?

MR. SCHLICHTMANN: Just in general.

MR. CHEESEMAN: At any time?

A I would say yes.

Q When?

A I had one last month.

Q That was held at the Woburn plant?

A Yes.

Q Was it an employee education class concerning hazards posed by certain chemicals?

A That is right.

Q And prior to that meeting had there been any other meetings at the plant?

A I don't believe there were formal meetings.

Q Were there informal meetings?

A I believe there were.

Q When you say informal meetings, what do you mean?

A Discussion with person using the product.

Q Who had such a discussion that you're aware of?

A I have discussed it with the painter.

Q You have?

A Yes.

Q Do you know when you had this discussion with

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the painter, or discussions?

A Through the years.

Q When was your first discussion with the painter concerning the hazards of the chemicals?

A I can't remember.

Q Was it in the 1960s?

A I would say so.

Q Do you know what the nature of the discussion was?

MR. CHEESEMAN: If you recall.

A I recall one on the publication that you have a copy of on trichloroethylene.

Q When you say I have a copy, which document are you referring to?

A Part of the magazine. It's this one here (Indication).

MR. SCHLICHTMANN: Why don't we have that marked as an exhibit.

MR. CHEESEMAN: I'm not aware this is the second page. It is not clear it is one document.

MR. FREDERICO: What is the date on that?

MR. CHEESEMAN: 8/2/73.

MR. SCHLICHTMANN: You have a better copy.

MR. CHEESEMAN: Whose initials are those?

THE WITNESS: Mine.

(Trichloroethylene
information, marked
Exhibit No. 7.)

Q Would you identify that exhibit, please?

A I think this is information on trichloroethylene that I gave to the painter for his information and discussed it with him, the safety aspects.

Q Where did you get this?

A I can't remember where it came from.

Q Did this come from a government document?

A I don't believe so.

Q Was it mailed to you from some source?

A I don't believe so.

Q What caused you to bring this to the attention of the painter?

A I think it was probably in a trade journal that I had read.

Q Do you believe this came from a trade journal, and the date is 8/2/73?

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A I couldn't say.

Q What is that down at the bottom?

A I would say the date I gave it to him.

Q Those are your initials down there?

A Yes.

Q When you gave it to him it was blacked out like this?

A I would say not.

Q You gave him all the information on this page?

A I would say so.

Q What was your purpose in giving this to the painter?

A For his information.

Q Why?

A Because of the product.

Q So you were giving him information about the product he was working with?

A Yes.

Q Had the painter been working with that product prior to you giving him this information?

A I believe so.

Q Do you know how many years he had been working with it?

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A No.

Q Did you give him any instructions once you gave him this document? Did you say anything else to the painter about the use of the chemical?

A I would say we discussed it.

Q What did you discuss?

A The contents of the paper.

Q What is your recollection of the conversation? What did you say to him and what did he say to you?

A No idea.

Q What was the substance of the conversation to the best of your memory?

A Whatever is on the paper.

Q So you essentially discussed what was on the paper?

A That is right.

Q Did you tell him to follow any particular procedure or practice concerning the use of the chemical?

A I can't remember that.

Q Other than that conversation you had with the painter in which you gave him this piece of

paper, Shalline 7, do you recall any other conversation or contact you had with any employee concerning the use of the chemicals at the plant?

A I have talked with employees, new employees working with the substance.

Q How long have you been doing this?

A I can't remember exactly.

Q As best you can.

A It is over five years.

Q Over five years ago?

A I would say so.

Q How much more than five years ago?

A I would say between five and ten.

Q Somewhere between five and ten years?

A I believe so.

Q And this is part of your practice to talk to new employees who are using chemicals at the plant?

A Yes.

Q What do you tell them?

A I would --

MR. CHEESEMAN: You're asking him to give a general description of his practice?

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2 MR. SCHLICHTMANN: Just general
3 practice.

4 THE WITNESS: It would be of the
5 nature of the products, how to handle it, what
6 protective equipment to wear.

7 Q Would you give any information, written
8 information?

9 A Not usually.

10 Q Have you ever given written information?

11 A Safety data sheets would be available for
12 them.

13 Q What are safety data sheets?

14 A OSHA 20 form.

15 Q These are forms you fill out for the government?

16 A No. The supplier of the product would provide
17 these.

18 Q So when the supplier of the product began to
19 supply you safety data sheets on the material,
20 you began to transmit that information to the
21 employee?

22 A I can't remember that. I would think that I
23 did. I can't say for sure.

24 Q Other than the employee education classes you
25 remember holding, the one you held last month,

1
2 you never held any other employee education
3 class concerning the use of chemicals; is that
4 right?

5 A I don't believe I did.

6 Q Did something cause you to hold the class last
7 month?

8 A Yes.

9 Q What was that?

10 A The Right-to-Know law.

11 Q Now, somewhere between five and ten years ago
12 you began to tell new employees about
13 chemicals they were using. What, in
14 substance, would you tell the new employees?
15 Was it different for each new employee or did
16 it vary with the kind of chemicals the
17 employee was using?

18 MR. CHEESEMAN: Objection to the
19 form of the question.

20 A It would vary.

21 Q You can answer.

22 A It would vary with the product.

23 Q Okay.

24 A Whatever the employee was working with is what
25 we discussed.

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Q You can't remember exactly when you began this practice?

A No, I can't.

Q To the best of your knowledge, you didn't do it in the 1960s?

A I don't know if I did or not.

Q You testified five or ten years ago, which would bring us to 1975 at the earliest?

A I can't remember if it was the '70s or the '60s.

Q Did you talk to them about trichloroethylene?

A I talked to the painter.

Q The conversation you had with the painter is one in which you gave him this piece of paper, Exhibit 7?

A That would be one time.

Q Did you talk to the painter again or another painter?

A I can't remember.

Q You can't remember any other occasions?

A I probably did talk to him or -- on this product before.

Q Before you gave him the piece of paper?

A Yes.

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2 Q Do you remember what you said to him?

3 A No, I don't.

4 Q Do you remember what the reason was you
5 contacted him or talked to him?

6 A No.

7 Q Did you talk to him after you gave him this
8 piece of paper, Shalline 7?

9 A I talked to him when I gave it to him.

10 Q Did you talk to him after, at any point after
11 you had that conversation?

12 A I don't remember.

13 Q Any other employee you talked to about the use
14 of chemicals other than the painter? You said
15 you talked to new employees?

16 A That is right.

17 Q Where did you get the information that you gave
18 to the employees, the new employees?

19 A Safety data sheets.

20 Q The safety data sheets supplied by the
21 manufacturer of the product?

22 A That is right.

23 Q Prior to the manufacturer giving you the
24 safety data sheets, did you talk to any new
25 employees about the chemicals that they were

using or the properties of those chemicals?

A I believe so.

Q What source of information did you have to tell the employees about the chemicals that they were using?

A It would be the manufacturer's sheet on it, how to use the product.

Q So before you received the safety data sheets, you used to receive manufacturer's sheets concerning the product?

A Or it would be on the drum.

Q Or it would be on the drum?

A Yes.

Q Do you have that material in your possession at the Cryovac plant?

A The material?

Q The material that the manufacturer gave you concerning his product.

A I think I have some.

Q You do have some?

A Uh-huh.

Q Do you have the safety data sheets the manufacturer gave you concerning the product?

A I believe so.

MR. SCHLICHTMANN: Off the record.

(Discussion off the record)

Q To your knowledge, you said that you're aware that the Cryovac plant has in its possession material given to you by the manufacturers of chemicals, both safety data sheets and other information; is that right?

A On some products.

Q Are you aware whether any of this information concerns any of the following six chemicals: trichloroethylene?

A I don't have anything on that.

Q Tetrachloroethylene?

A Nothing on that.

Q 1,1,1-trichloroethane?

A I believe I have a flier that describes the use of that product, or the product that contains that chemical.

Q Is that all you have, just a flier?

A And safety data sheet of the product.

Q The safety data sheet that would go with that chemical?

A I believe that is the chemical.

MR. CHEESEMAN: Why don't you ask

when he got it?

Q When did you receive that information?

A From the time -- on the drum, the information on the drum.

Q Was there anything given to you other than what is on the drum?

A I may have a flier that describes the product, how it is to be used.

Q When did you receive that flier?

A Five to ten years ago.

Q Other than the flier, did you receive any other information about 1, 1, 1-trichloroethane?

A No.

MR. CHEESEMAN: We will review the documents that he is referring to and see if they should be produced.

Q As to 1,2-transdichloroethylene, are you aware of any information concerning transdichloroethylene?

A I am confused between the transdichloroethylene and 1,1,1-trichloroethane or ethylene. I am not sure which one I have.

Q You know you have something regarding either 1,1,1-trichloroethane or 1,2-transdichloro-

ethylene?

A I don't have the 1,1,2.

Q I'm sorry; I said trichloroethylene or --

A I think I have 1,1,1-trichloroethane.

Q What are the brand names of the products?

MR. CHEESEMAN: What products?

MR. SCHLICHTMANN: That he is referring to.

Q Do they have brand names?

A Yes.

Q What are the brand names?

A Cool Tool.

Q Any others?

A I don't have any others.

Q What are the constituents of Cool Tool?

MR. CHEESEMAN: If you know.

A I don't know other than it contains 1,1,1.

Q Cool Tool, to your knowledge, contains 1,1,1-trichloroethane?

A I believe it is the chemical.

MR. CHEESEMAN: That information is in the answers to interrogatories.

Q And 1,2-transdichloroethylene, what product contains that?

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2 A I have no idea.

3 Q Are you aware whether you would use 1,2-
4 transdichloroethylene?

5 A I am not.

6 Q You are aware you would use 1,1,1-trichloro-
7 ethane?

8 A I believe so.

9 Q You told me a few minutes ago you were
10 confused about whether you would use 1,1,1-
11 trichloroethane or 1,1,2-transdichloro-
12 ethylene?

13 A I believe I said 1,1,1-trichloroethylene or
14 ethane.

15 MR. CHEESEMAN: I think what he
16 means is he was confused as to the correct
17 chemical spelling.

18 MR. SCHLICHTMANN: I see.

19 THE WITNESS: There is a difference,
20 I understand, between ethylene and ethane.
21 I believe we have ethane.

22 Q You believe the flier concerns 1,1,1-
23 trichloroethane?

24 A It is on the label of the drum.

25 Q Are you aware whether you have information

about transdichloroethylene?

A None to my knowledge.

Q Benzene?

A None to my knowledge.

Q And chloroform?

A None to my knowledge.

Q Do you have information from manufacturers that you received or any safety data sheets concerning any chemicals in the plant?

A Yes.

MR. CHEESEMAN: Without naming them.

Q You do?

A Yes.

Q What other information do you have concerning other chemicals?

MR. CHEESEMAN: I don't understand the question.

MR. SCHLICHTMANN: What type of information.

MR. CHEESEMAN: Are you asking him to describe the labels or brochures?

MR. SCHLICHTMANN: If they're labels, brochures, fliers, safety data sheets, whatever.

MR. CHEESEMAN: I will object to that.

A I would say I have safety data sheets on almost everything in the plant.

Q When did you start receiving safety data sheets?

A I guess five years ago; I am not sure.

Q Do you have any other material concerning these chemicals other than the safety data sheets?

MR. CHEESEMAN: Any chemicals?

MR. SCHLICHTMANN: Any chemicals.

A I don't have any on gasoline. I would say I have safety data sheets on just about everything else.

Q You have safety data sheets?

A Right.

Q Other than safety data sheets, do you have any other material on chemicals used at the plant?

A I would have fliers that pertain to some of the products that are used at the plant.

Q Where did you obtain these fliers?

A Manufacturer.

Q What are the earliest dates of these fliers?

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2 A I don't know. I would say maybe ten years.

3 Q You have fliers going back ten years?

4 A Yes.

5 Q Prior to ten years ago, do you have a memory
6 of receiving any information from a
7 manufacturer in the form of a flier, an
8 advertisement or other form of information
9 that the manufacturer gives about his
10 product that you used at the plant?

11 A I think I would have some information.

12 Q Do you still have such information?

13 A I believe so.

14 Q You talked about gasoline. Does the plant
15 store gasoline?

16 MR. CHEESEMAN: I will object and
17 instruct him not to answer.

18 MR. SCHLICHTMANN: Why?

19 MR. CHEESEMAN: Unless you give me
20 some basis to connect it to the complaint
21 chemicals.

22 MR. SCHLICHTMANN: It is a
23 hazardous chemical. I want to know their
24 practices concerning gasoline.

25 MR. CHEESEMAN: I will instruct him

not to answer.

Q Are you refusing to answer the question as to whether the plant has gasoline?

MR. CHEESEMAN: He will follow my direction. I instruct him not to answer.

MR. SCHLICHTMANN: I better keep a list of these things for this afternoon.

(Discussion off the record)

Q From time to time have you received any information from the federal or state government concerning rules and regulations and the use or disposal of chemicals or hazardous waste at any time?

A Yes.

Q Did you receive such information in the 1960s?

A I can't remember.

Q Did you receive any such information in the 1970s?

A I can't remember.

Q Did you receive any such information in the 1980s?

A I would say so.

Q What do you remember receiving in the 1980s?

A I can remember --

MR. CHEESEMAN: What kind of information?

Q What kind of information do you remember receiving in the 1980s?

A I can remember receiving a list of licensed hazardous waste disposal disposers or transporters.

Q A list of hazardous waste disposers?

A Or transporters.

Q What else do you remember receiving, what other information?

A I think the rules and regulations for disposal, handling and disposing, storage.

Q You received those from what agency, if you remember?

A I believe the state.

Q Concerning what?

A Disposal of waste, handling and storage.

Q Do you remember when you received that information?

A I would say the last five years.

Q Is that information still in your possession?

A I believe it is.

Q Do you remember what state agency it came from?

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A No.

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Q Prior to 1980, do you remember receiving any information from any state agency concerning what to do with hazardous waste?

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A I can't recall exactly.

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Q In the 1960s, do you remember receiving any information from the state agency?

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A No.

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Q Do you remember ever receiving any information from the federal government in the 1960s concerning hazardous waste disposal?

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A No.

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Q In the 1970s, did you ever receive any information from the federal government concerning hazardous waste disposal?

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A I can't remember.

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Q In the 1980s, have you received any information from the federal government concerning hazardous waste disposal?

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A I believe so.

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Q What have you received?

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A I can't remember what it would be.

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Q You can't remember?

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A No.

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Q Is it still in the possession of the plant?

A The literature?

Q Yes; that you received from the federal government.

A I would still have it.

Q That information concerns hazardous waste disposal; is that correct?

A I believe so.

Q You can recall receiving no such information from the federal government prior to the 1980s; is that right?

A I can't remember.

Q Did you, in your capacity as pollution control officer, in your capacity as chairman of the Safety Committee, or in any other capacity, ever attempt to receive information from the federal government concerning hazardous waste disposal at any time?

A I believe so.

Q When?

A I would say last five years.

Q Within the last five years?

A Yes.

Q Was it before the wells G & H were closed down

1
2 in May of 1979 or after the wells were closed
3 down in May of 1979?

4 A I believe after.

5 Q Was it before you were sued by the plaintiffs
6 in this case or was it after you were sued by
7 the plaintiffs in this case?

8 MR. CHEESEMAN: You would have to
9 give him the date.

10 Q The date of the suit was May of 1982.

11 A I would believe it would be --

12 Q After?

13 A I would say before May of '82.

14 Q Before May of 1982?

15 A I believe so.

16 Q But after they closed the wells down in May
17 of 1979?

18 A I don't know.

19 Q Was it before they closed the wells down?

20 A I can't relate it to the wells.

21 Q Well, was it more than five years ago or less
22 than five years ago?

23 A I would say probably less than five years ago.

24 MR. CHEESEMAN: Why don't we break
25 here.

(Recess)

Q Now, in your capacity as pollution control officer or chairman of the Safety Committee or any other capacity, did you at any time in the 1960s ever attempt to gather any information whatsoever concerning waste disposal of waste produced at the Woburn plant?

A Not that I can remember.

Q In your capacity as pollution control officer or as a member of the Safety Committee or any other capacity, did you ever attempt to gather information in the 1970s concerning waste disposal of waste created at the Woburn plant?

A I can't remember.

Q As pollution control officer or as a member of the Safety Committee or any other capacity, did you ever attempt to gather any information about waste disposal of waste produced at the Woburn plant in the 1980s?

A I believe so.

Q When did you attempt to obtain such information?

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A It would be to obtain the manifest required for the disposal of our material.

Q What is the manifest?

A Like a bill of lading.

Q Why did you have to obtain the manifest or the bill of lading?

A The disposer wouldn't take the material without it.

Q What exactly is the bill of lading or manifest? Do you want to call it the bill of lading or manifest?

MR. CHEESEMAN: It is commonly called manifest.

MR. SCHLICHTMANN: Then we will call it the manifest.

A Manifest is the document that describes the material.

Q That you're giving to the hauler?

A True.

Q Prior to the 1980s, you didn't give manifests to people who hauled waste away for you?

A I can't remember when that went into effect.

Q In other words, you were trying to comply with federal law?

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2 A Right.

3 Q How did you obtain this information?

4 A I think it was mailed by the state.

5 MR. CHEESEMAN: You mean information
6 about the requirement?

7 MR. SCHLICHTMANN: Yes.

8 Q My question is: In your capacity as pollution
9 control officer or as a member of the Safety
10 Committee or any other capacity, did you in
11 the 1980s attempt to obtain information
12 concerning waste disposal of waste at the
13 Woburn plant?

14 A I believe so.

15 Q And your answer is?

16 A I had to obtain a company that would take our
17 waste away.

18 Q So in the 1980s you obtained a waste company
19 or a company to haul away the waste produced
20 at the plant; is that right?

21 A That is right.

22 Q This waste would include toxic waste?

23 A Yes.

24 Q That was the first time you contracted with a
25 hauler to dispose of your toxic waste in the

1980s?

A I believe so. I don't know the year.

Q But sometime in the 1980s?

A I believe so.

Q That was the first time?

A I really don't know if it was or not.

Q You believe so?

A I can't remember.

Q You can't remember doing it prior to that time?

A No.

Q Now, in the 1980s, did you attempt to obtain information about what would be proper waste disposal practices for hazardous waste produced at the plant?

A It was spelled out in the law.

Q Did you attempt to obtain information about the law or what that information --

A It was sent to me.

Q It was sent to you?

A Yes.

Q By the state?

A Yes.

Q Did you obtain additional information on your own concerning what would be proper waste

disposal practices regarding hazardous waste
created at the plant?

A Not that I can remember.

Q To make sure I understand you, you do not
remember ever obtaining any information
concerning what would be proper waste disposal
practices of hazardous waste in the 1960s or
the 1970s?

A As far as I can remember now.

Q You can't remember ever obtaining such
information?

A No.

Q In Shalline 4 --

MR. CHEESEMAN: Can you tell me the
date?

MR. SCHLICHTMANN: November 17, 1964.

Q It states in the third paragraph of Exhibit 4:
The use of trichloroethylene in manufacturing
plants which use such standard, normal
precautions as we do is approved by Under-
writers Laboratories.

Now, what did you understand the
standard, normal precautions to be that
Mr. Watkins was referring to in that letter of

November 17, 1964?

MR. CHEESEMAN: If you had an understanding at that time.

Q If you had an understanding at that time.

A Normal procedure is adequate ventilation, protective equipment.

Q Were those the only procedures you're familiar with at that time concerning the use of trichloroethylene?

A And don't drink it.

Q Don't drink it?

A Uh-huh.

Q Why shouldn't you drink it?

MR. CHEESEMAN: What was your understanding at that time?

Q What was your understanding at that time why you should not drink it?

A Harmful to your health.

Q In what way was it harmful to your health?

A No idea.

Q Did you have any understanding as to how it was harmful to your health?

A No.

Q Do you --

1
2 A Not by ingestion.

3 Q It is not harmful if it is ingested?

4 A I don't know what the medical results would
5 be by ingestion.

6 Q Do you know what the medical result would be
7 by drinking it?

8 MR. CHEESEMAN: That is what he is
9 talking about.

10 A Same thing.

11 Q You don't make any distinction between
12 drinking it and ingesting it?

13 A No.

14 Q You have no idea what the medical result
15 would be if you drank or ingested it?

16 A No.

17 Q Would there be, to your knowledge, any harmful
18 results of ingesting or drinking trichloro-
19 ethylene?

20 A No idea.

21 Q To this day you have no idea?

22 A No.

23 Q You had no idea in 1964?

24 A I think today it is listed as a carcinogen.
25 Whether it is by inhalation or ingestion, I

1
2 don't know.

3 MR. CHEESEMAN: I will move to strike
4 the witness's answer as being non-responsive.

5 MR. SCHLICHTMANN: I think it is very
6 responsive.

7 MR. CHEESEMAN: It did not call for
8 that kind of answer.

9 MR. SCHLICHTMANN: Let me put the
10 question to him so I can get that answer.

11 Q To your knowledge, trichloroethylene is listed
12 as a carcinogen?

13 MR. CHEESEMAN: If you know.

14 A I believe it is.

15 Q Do you remember when it became listed as a
16 carcinogen?

17 MR. CHEESEMAN: If you know.

18 A I can't say that I know the date.

19 Q To your knowledge, do you know trichloro-
20 ethylene has carcinogenic properties?

21 MR. CHEESEMAN: If you know,
22 Mr. Shalline, if you have seen any reference
23 to it being identified as having carcinogenic
24 properties.

25 MR. SCHLICHTMANN: I will let you

question him afterward.

A I believe I have read that it is.

Q Do you remember when you read it was a carcinogen?

A No, I can't.

Q Do you remember if you read it was a carcinogen in the 1970s?

A I don't believe so.

Q Do you remember if you read it was a carcinogen in the 1980s?

A I believe so.

Q Now, in the 1960s, you believe that trichloroethylene was dangerous to your health; is that true?

MR. CHEESEMAN: I object to the question. It does not specify the manner of exposure.

Q Did you understand that trichloroethylene could be hazardous to someone's health if they are exposed to it?

MR. CHEESEMAN: In any way?

MR. SCHLICHTMANN: In any way.

MR. CHEESEMAN: In any concentration?

MR. SCHLICHTMANN: In any

concentration.

A I don't believe that is true.

Q Did you believe that trichloroethylene was,
could be hazardous to human health in 1964?

A Only if used improperly.

Q When you say used improperly, what do you mean
by improper use?

A Deliberate inhaling, ingestion.

Q What do you believe to be the harmful
properties of trichloroethylene if it was
deliberately inhaled or ingested in 1964?

A A narcotic effect.

Q Any others?

A I don't know about ingestion.

Q How about inhalation?

A That it is narcotic.

Q Narcotic inhalation?

A My opinion.

Q Any other health effects that you're aware
of?

MR. CHEESEMAN: You're asking about
'64?

MR. SCHLICHTMANN: As of '64.

A Defattening the skin.

1
2 Q Anything else?

3 A Not to my knowledge.

4 Q You did read the insurance letter which listed
5 various health effects?

6 A Uh-huh.

7 Q Did you believe the listed hazards of
8 trichloroethylene in that letter were probably
9 true concerning trichloroethylene or did you
10 doubt it?

11 MR. CHEESEMAN: Objection.

12 A I would take the letter as being from a
13 knowledgeable source.

14 Q Concerning the hazards of trichloroethylene?

15 A Yes.

16 Q Now, standard, normal precautions that
17 Mr. Watkins referred to in his letter of 1964,
18 did you take that to mean there were standard,
19 normal precautions concerning the disposal of
20 any material containing trichloroethylene?

21 A I don't believe so.

22 Q To your knowledge, there were no standard,
23 normal precautions at the Woburn plant at
24 that time in 1964 concerning the disposal of
25 waste containing trichloroethylene; is that

correct?

A I believe there was -- they were accumulated in a drum.

Q Was that the standard, normal practice?

A I believe so.

Q Did the standard, normal practice also include spreading waste on the ground that included trichloroethylene in the rear of the plant?

A I don't believe so.

Q Once it was accumulated in drums, what was then done with it according to standard, normal practice?

A It was stored.

Q Where was it stored?

A Outside.

Q To the rear of the plant?

A Yes.

Q In drums?

A Yes.

Q And then what was done with it?

A I don't know.

Q Did you deal with it in any way?

A No.

1
2 Q Are you aware of anyone else dealing with it
3 in some fashion?

4 A I think someone disposed of it outside.

5 Q On the ground?

6 A I didn't see it but I would guess.

7 Q Was that standard, normal practice?

8 MR. CHEESEMAN: You're asking him if
9 he knows that was a standard practice?

10 MR. SCHLICHTMANN: That is what I am
11 asking.

12 A I don't know if it was or not.

13 Q Did you issue any standard, normal practices?

14 A No.

15 Q Was it disposed of in that fashion according
16 to your standard practice?

17 A No.

18 Q Are you aware of any standard practices at
19 the plant which required that it be disposed
20 of in that way?

21 A No.

22 Q Are you familiar with Underwriters
23 Laboratories?

24 A Yes.

25 Q Did you ever receive any information from

Underwriters Laboratories concerning how waste, hazardous waste should be disposed of?

A No.

Q Did you ever ask for any information from Underwriters Laboratories?

A No.

Q Now, the answer that you gave about the accumulation of waste material, does that apply to all the chemicals at the Woburn plant?

MR. CHEESEMAN: You're asking him if each and every chemical used at the Woburn plant was accumulated in drums at the back-yard?

MR. SCHLICHTMANN: Yes.

A I would say no.

Q Some material was accumulated and some was not?

A What did not go down the drain, what was not discharged down the sewer was accumulated.

Q In drums?

A Yes.

Q And disposed of like trichloroethylene was?

MR. CHEESEMAN: If you know.

A I don't know.

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Q You don't know how it was disposed?

A No, I don't.

Q You didn't have any rule or regulation or procedure to be followed for the disposal of such waste, hazardous waste?

A No.

Q At any time in the 1960s?

A Not that I can remember.

Q At any time in the 1970s?

A Not that I can remember.

Q At any time in the 1980s?

A It is all manifested.

Q That is because of the federal law?

A True.

Q So whatever behavior you had prior to 1980 was changed in the 1980s because of the federal law; is that right?

A Whenever the law went into effect. I don't know the year.

Q That is when you changed the waste disposal practices?

A To adhere to the law.

Q Now, did you have any knowledge about any of the harmful effects of any of the chemicals

1
2 at the plant in 1964?

3 A Not that I can remember.

4 Q In the 1960s, was the plant using, to your
5 knowledge, hazardous chemicals other than
6 trichloroethylene?

7 MR. CHEESEMAN: I guess I have a
8 problem of that in terms of "hazardous
9 chemicals".

10 MR. SCHLICHTMANN: Let me ask --

11 MR. CHEESEMAN: If you're using the
12 term in a layman's sense and not legal
13 definition --

14 MR. SCHLICHTMANN: Let me try it
15 again.

16 Q Do you know what I mean by the phrase
17 "hazardous chemicals"?

18 MR. CHEESEMAN: I think you should
19 ask if he understands the term.

20 Q How do you understand the phrase "hazardous
21 chemicals" to mean?

22 A I think you would have to define chemicals
23 for me first. I mean, salt is a chemical.
24 Too much salt is bad for me. I mean, that is
25 a hazardous chemical.

1
2 Q What if I said substances? What does it mean
3 to you the phrase "hazardous substance"?

4 A I would say something was regulated disposal.

5 Q If it was not regulated disposal, you would
6 not consider it to be a hazardous substance?

7 A I guess that is true.

8 Q In the 1960s, was trichloroethylene considered
9 by you to be hazardous?

10 A I don't believe so.

11 Q In the 1970s, did you consider trichloroethy-
12 lene to be hazardous?

13 A I don't believe so.

14 Q In the 1980s, did you believe trichloroethy-
15 lene to be hazardous?

16 A I would say so.

17 Q Why did you believe in the 1980s trichloro-
18 ethylene to be hazardous?

19 A Because we stopped using the product.

20 Q That indicated to you it was hazardous?

21 A Yeah.

22 Q Do you know why you stopped using the
23 product?

24 A Directive from South Carolina.

25 Q When did that directive come in, to your

1
2 knowledge?

3 A I don't remember the date.

4 MR. CHEESEMAN: Do you have the
5 document?

6 THE WITNESS: We have something tied
7 in with Gunnard's comment.

8 Q So you determined that trichloroethylene was
9 hazardous at the time South Carolina sent you
10 a directive to stop using it?

11 A That is not true.

12 Q I'm sorry if I misunderstood you.

13 A I didn't make the determination it was
14 hazardous.

15 Q When did you make the determination in your
16 capacity as pollution control officer and as
17 a member of the Safety Committee that
18 trichloroethylene was hazardous?

19 MR. CHEESEMAN: I don't think he
20 testified he made any such determination.

21 Q Did you at any time in your capacity as
22 pollution control officer or as a member of
23 the Safety Committee or any other capacity
24 ever make the determination that trichloro-
25 ethylene was hazardous?

1

2

A I didn't.

3

Q Have you ever?

4

A No.

5

Q To this day, you have not made a determination in your capacity as pollution control officer that trichloroethylene is hazardous?

6

7

A In my opinion it is. I have not published it.

8

Q I'm sorry?

9

A In my opinion it is.

10

Q Trichloroethylene is hazardous?

11

A Right.

12

Q When did you come to the conclusion that trichloroethylene is hazardous?

13

A The directive from South Carolina.

14

Q When the directive came from South Carolina telling the plant to stop using trichloroethylene, you formed the opinion at that time that trichloroethylene was hazardous?

15

16

A Right.

17

Q Is that correct?

18

A I would say so.

19

Q Now, what did you consider to be proper disposal practices for hazardous substances?

20

21

MR. CHEESEMAN: You're asking for

any and all hazardous substances?

MR. SCHLICHTMANN: Let me ask him again.

Q In your capacity as pollution control officer, did you form an opinion as to what was the proper waste disposal practice for hazardous substances?

MR. CHEESEMAM: I don't think it is possible to answer as to all hazardous substances. Some are flammable and some are poisons.

MR. SCHLICHTMANN: He can tell me that.

A Maybe you could repeat it once more.

Q Okay. In your capacity as pollution control officer, did you at any time come to the opinion that there should be practices or procedures for the disposal of substances which you considered hazardous that were produced at the plant?

A They would follow the regulations, the state regulations.

Q And if there weren't, to your knowledge, state regulations, there wouldn't be any

practice concerning disposal; is that right?

MR. CHEESEMAN: Objection.

A If it was a product that could be disposed of down the drain, we would put it down the drain.

Q Would you dispose down the drain chemicals which you considered to be hazardous?

A No.

Q If you considered them hazardous, you would not put them down the drain?

A No.

Q At any time did you attempt to obtain information about the chemicals used at the plant to determine if those chemicals were hazardous or not?

A I think that information is in the safety data sheets.

Q But prior to your receiving safety data sheets, you made no attempt to obtain information to determine, Mr. Shalline, in your mind whether they were hazardous or not?

A The label would usually state biodegradable.

Q If the label stated biodegradable, to your knowledge it was not hazardous?

1
2 A It could be disposed of down the drain.

3 Q Now, you referred to a directive from South
4 Carolina. I show you a document that is
5 dated August 24, 1973.

6 MR. SCHLICHTMANN: Why don't we have
7 that marked.

8 (Memo dated August 24,
9 1973, marked Exhibit
No. 8.)

10 Q Let me ask you another question before we get
11 into this.

12 Did you ever form an opinion in
13 your capacity as pollution control officer as
14 to whether a substance which you considered to
15 be hazardous should be disposed of to the rear
16 of the property on the ground?

17 A No.

18 Q No what?

19 A I never formed an opinion.

20 Q You never formed such an opinion?

21 A I think it depends on -- You're talking 25
22 years?

23 Q I am talking about at any time.

24 A I think, in my opinion, that in the '60s
25 disposal on the ground was not a hazard.

1
2 Q How about the '70s?

3 A I can't remember the '70s.

4 Q How about the '80s?

5 MR. CHEESEMAN: Objection.

6 A I would say it would not be disposed on the
7 ground.

8 Q What information did you obtain in the 1980s
9 which indicated to you that disposing of
10 hazardous substances on the ground was not
11 proper?

12 A State regulations.

13 Q And you were made aware of those state
14 regulations in the 1980s?

15 A Or sooner. I don't know the date.

16 Q Your best knowledge is the 1980s?

17 A I would say so.

18 Q Now, let's go back to Shalline Exhibit 8.
19 What is this document?

20 A This is --

21 MR. CHEESEMAN: Are you just asking
22 him to give some descriptive information for
23 the stenographer, like the title and date?

24 MR. SCHLICHTMANN: What his
25 knowledge is.

Q Have you ever seen this document?

A I don't believe so.

Q Have you ever reviewed this document prior to today?

A I believe with my attorney.

Q Is that the first time you recall ever seeing this document?

A I can't remember.

Q You can't remember ever seeing this document, Shalline 8, prior to the time that you reviewed it with your attorney regarding this case?

A I can't remember seeing this document before that.

Q Before you reviewed it with your attorney?

A Right.

Q Now, if you look through the documents that your attorney has provided, would you be able to locate for me a notice that was sent from South Carolina, the directive you referred to concerning the cease use of trichloroethylene, if such a document does exist?

MR. CHEESEMAN: It's in the memo

1
2 dated May 8, 1975.

3 MR. SCHLICHTMANN: It is a three-page
4 document?

5 MR. CHEESEMAN: Yes.

6 MR. SCHLICHTMANN: Why don't we have
7 it marked Shalline 9?

8 (Memo dated May 8, 1975,
9 three pages, marked
Exhibit No. 9.)

10 Q Do you recognize this document that is marked
11 Shalline Exhibit 9?

12 A Yes, I do.

13 Q What is this three-page document?

14 A Directive from South Carolina.

15 Q Is this the cease use order that you referred
16 to previously concerning the use of
17 trichloroethylene?

18 A Yes.

19 Q Do you remember reviewing it at the time,
20 May 8, 1975?

21 A I couldn't say the exact time.

22 Q Approximately May of 1975?

23 A I believe so.

24 Q What was your understanding of this document?

25 A We were not to use it any longer.

1
2 Q What was the reason you were not to use it any
3 longer?

4 MR. CHEESEMAN: I object. The
5 document speaks for itself.

6 Q It was your understanding -- Strike that.

7 What was your understanding as to
8 why you were being told not to use trichloroethy-
9 lene any longer?

10 A Because it was -- The directive said not to use
11 it; that is all I needed.

12 Q Did you have an understanding as to why? Were
13 you ever told why you were not to use it other
14 than you were told not to use it?

15 A Only from reading the attached.

16 Q The third page of this document under "stop
17 use order"?

18 A Right.

19 Q So it was your understanding that you were not
20 to use this substance any longer at the
21 Woburn plant because the substance described
22 below has been cited as a carcinogenic
23 substance, as having potential carcinogenic
24 hazards, or as having other proven or
25 potential serious health hazards?

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A That is true.

Q Were you ever told by anyone concerning that substance as to why you were ceasing use other than the directive?

A Not to my knowledge.

Q On the third page -- Who is Mr. Stewart?

A He is chief engineer.

Q In South Carolina?

A South Carolina.

Q What were his responsibilities according to your knowledge?

A I don't know what it was at the time.

Q It states on the first page that "as an addition to your regular coverage of the OSHA subject, please set up a file and begin collecting material which I will send from time to time concerning hazardous substances and/or toxic materials"?

A Yes.

Q Prior to the date of this letter, had any such file been set up to your knowledge?

A Not to my knowledge.

Q Have you set up such a file?

A I don't --

1
2 Q In response to this letter, did you set up such
3 a file?

4 A I did.

5 Q You were the one responsible for setting up the
6 file?

7 A I would say so.

8 Q You were the one responsible for collecting
9 information concerning hazardous substances
10 and/or toxic materials?

11 A I would say so.

12 Q Other than what Mr. Stewart sent you, did you
13 ever collect information or receive informa-
14 tion concerning hazardous substances and/or
15 toxic materials that were used at the Woburn
16 plant?

17 A None that I can remember.

18 Q Is that as of today?

19 A I have all the safety data sheets today.

20 Q So the material you collected were the safety
21 data sheets you received from the
22 manufacturer?

23 A Right.

24 Q No other information?

25 MR. CHEESEMAN: I think he answered

these questions.

MR. SCHLICHTMANN: Then it should be easy for him.

A I don't believe there is any other.

Q Did Mr. Stewart send you any additional information concerning hazardous substances and/or toxic materials which were used at the Woburn plant at any time after the date of this letter?

A I don't believe so.

Q So this was the only communication that you received from Mr. Stewart concerning hazardous substances or toxic materials used at the Woburn plant?

A I believe that is true.

Q You were responsible for keeping that file?

A Yes.

Q Is the file that you have entitled Hazardous Substances and/or Toxic Materials, or how is it titled?

A I believe it is probably titled Hazardous Substances.

Q And you have been maintaining that file up to the present time?

1

2

A Yes.

3

Q On the cover page it says CC to G. H.

4

McElhiney. Who is G. H. McElhiney?

5

A He was chief engineer.

6

Q To the best of your knowledge, would you go

7

down the list of people here and identify

8

what their positions were at that particular

9

time?

10

A Vin Forte was at Woburn at the time. I don't

11

know what his title was.

12

Q Okay.

13

A McElhiney was chief engineer at the time.

14

Q Okay.

15

A I don't know the titles of the other people

16

at the time.

17

Q Mr. McElhiney was chief engineer and

18

Mr. Stewart was also chief engineer?

19

A Mr. McElhiney is deceased.

20

Q At this time he --

21

A I don't know what Stewart's title was at the

22

time.

23

Q Did you understand he was working with

24

Mr. McElhiney?

25

A I believe so.

1

2

Q Did you know Mr. Greenough?

3

A I know him. I don't know his title.

4

Q Did he work in South Carolina?

5

A He is deceased.

6

Q At that time?

7

A He worked there.

8

Q Do you know what his position was?

9

A No.

10

Q S. E. Holbrook, do you know who he was?

11

A No.

12

Q Do you know where he worked?

13

A I believe South Carolina.

14

Q Then it says H. Jarnagan, Cedar Rapids?

15

A I don't know him.

16

Q To your knowledge, were these people involved
with other Cryovac plants?

18

MR. CHEESEMAN: If you know.

19

A I believe that is true.

20

Q Then it says "info to R. A. Bolton". Do you
know that person?

21

22

A We have a plant in Canada.

23

Q So your information is these people were at
other plants in Cryovac Division?

24

25

A I would say so.

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Q Prior to your receiving this information, you didn't consider trichloroethylene hazardous; is that correct?

3

4

5

A I believe that is true.

6

7

Q Now, you talked about an incident where you authorized the disposal of certain material in a pit to the rear of the plant; is that correct?

8

9

10

A No -- Excuse me. I did.

11

12

Q You did authorize the disposal of certain material in a pit to the rear of the plant?

13

A That is right.

14

15

Q Did you supervise the disposal of this material into the pit?

16

A No, I didn't.

17

Q Did you witness the disposal?

18

A No, I didn't.

19

Q Are you familiar with what went into the pit?

20

A No, I'm not.

21

Q What, to your knowledge, did you believe you were authorizing when you gave the authorization?

22

23

24

A I thought it was paint thinner.

25

Q Could it have been other substances?

MR. CHEESEMAN: Objection. Go ahead and answer.

A Could have.

Q To your knowledge, do you believe now, Mr. Shalline, based on the information you have received since then that, in fact, other substances went in there other than what you thought went in that pit when you authorized it?

MR. CHEESEMAN: I object.

A I don't know what they found in the pit.

Q I am asking if you have gathered information which leads you to believe that material was disposed of in that pit other than what you believed you were authorizing at the time.

A No.

Q You believe that what went into that pit was what you authorized and nothing else?

MR. CHEESEMAN: Objection.

A To my knowledge.

Q Now, you're familiar with the fact that W. R. Grace has dug up that pit?

A Uh-huh.

Q And they did so in May or June of 1983?

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A Uh-huh.

Q Were you present when that took place?

A Periodically.

Q You witnessed the uncovering of the pit?

A Periodically. I did not stay there.

Q You did see it periodically?

A Yes.

Q Are you familiar with what was found in that pit when it was uncovered?

A No.

Q Did you ever receive a report of what was found in the pit?

A No.

Q Did you ever receive any information as pollution control officer as to what was found in that pit?

A No.

Q Now, to your knowledge, what we refer to as paint sludge material, did that material contain any hazardous substances?

A Not to my knowledge.

Q Did that material contain trichloroethylene?

A I don't know.

Q Could it have?

1
2 A It could have.

3 MR. SCHLICHTMANN: Let's have this
4 marked as Shalline 10.

5 (Memo dated September 18,
6 1973, marked Exhibit
7 No. 10.)

8 Q Mr. Shalline, you authorized this material to
9 be put in the pit in 1974; is that your best
10 memory?

11 MR. CHEESEMAN: What material?

12 MR. SCHLICHTMANN: This material he
13 authorized to go in the pit.

14 A Yes.

15 Q Approximately 1974?

16 A I can't remember the year.

17 Q Is your best memory 1974?

18 A I couldn't guess.

19 Q Could it have been after 1974?

20 MR. CHEESEMAN: If he does not
21 remember, he does not remember.

22 A I wouldn't try to name a year.

23 Q So you remember authorizing at some point in
24 the 1970s or 1960s --

25 A I would guess in the '70s.

Q -- sometime in the '70s the material to be put

1
2 in a pit?

3 A Yes.

4 Q To the rear of the plant?

5 A That is right.

6 Q Now, was it your opinion at that time that you
7 authorized it, was it your opinion it was
8 proper to dispose of hazardous substances
9 which were carcinogenic or suspected
10 carcinogens to be disposed of in a pit to the
11 rear of the plant?

12 MR. CHERSEMAN: Objection to the
13 question. I would like to have it read back
14 to the witness.

15 THE REPORTER: Question: Now, was
16 it your opinion at that time that you
17 authorized it, was it your opinion it was
18 proper to dispose of hazardous substances
19 which were carcinogenic or suspected
20 carcinogens to be disposed of in a pit to the
21 rear of the plant?

22 A No.

23 Q No?

24 A No.

25 Q It was not proper to do that?

1
2 A No.

3 Q Why would it be improper to do that?

4 MR. CHEESEMAN: Objection.

5 Q In your opinion.

6 A Polluting the landscape.

7 Q So your knowledge at that time was that by
8 disposing of hazardous material in a pit to
9 the rear of the plant, that you could cause
10 pollution of the groundwater?

11 MR. CHEESEMAN: Objection.

12 A No.

13 Q Or you could cause pollution?

14 MR. CHEESEMAN: Objection.

15 A The material in the pit, to my knowledge, was
16 not hazardous material.

17 Q That is not the question I am asking you.

18 Did you have an opinion at that time
19 when you authorized the material to be
20 disposed of in this pit to the rear of the
21 plant, did you have an opinion that it was
22 proper to dispose of material which contained
23 substances which were hazardous and which
24 were carcinogenic or suspected carcinogens?

25 MR. CHEESEMAN: I object to the

question. It is entirely hypothetical.

Q Did you have such an opinion at that time?

A It would not be proper to do so.

Q Why would it be not proper to do so?

MR. CHEESEMAN: Objection.

A Polluting the landscape.

Q When you say polluting the landscape, what do you mean?

MR. CHEESEMAN: Objection.

A Polluting the soil.

Q And what is the problem with polluting the soil?

MR. CHEESEMAN: Objection.

A Destroying the land.

Q Were you aware at that time that pollution of the soil could lead to pollution of the groundwater?

A I don't believe so.

Q Do you know what groundwater is?

A I believe so.

Q What is groundwater?

A Water that is in the ground, veins in the ground of water.

Q And are you aware -- Were you aware at any

1
2 time that the City of Woburn was using ground-
3 water to supply domestic water to the city?

4 A I was aware of that.

5 Q When were you aware of that?

6 A Say about 1960.

7 Q So in 1960, you were aware that the City of
8 Woburn used wells which drew off of ground-
9 water to supply domestic water to the city?

10 A True.

11 Q And you were aware of that fact from 1960
12 throughout your employment at the Woburn
13 plant; is that right?

14 A Yes.

15 Q At any time did you ever form the opinion
16 that by polluting the ground, one could also
17 pollute the groundwater serving the City of
18 Woburn?

19 MR. CHEESEMAN: Objection.

20 A I never formed that opinion.

21 Q Have you ever formed that opinion?

22 MR. CHEESEMAN: Objection.

23 A Yes, I have.

24 Q When did you form that opinion?

25 MR. CHEESEMAN: Objection.

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A I would say as a result of these studies.

Q Which studies?

A The studies in front of us and from reading the paper.

Q Which studies are you referring to?

A Reports in the newspaper. I don't know who did them.

Q You formed this opinion by reading reports of studies done in the City of Woburn that were reported in newspapers?

A That is right.

Q Have you formed this opinion from any other source, from any other material you received or which you obtained?

A Not to my knowledge.

Q When you went to that seminar in Belmont sponsored by W. R. Grace, was it explained to you that pollution of the ground could cause pollution of the groundwater serving the city's water supply?

A I believe the subject was covered.

Q So you believe at that seminar held in Belmont in 1982 sponsored by W. R. Grace that you received information that pollution

of the ground could lead to pollution of the groundwater serving the city's water supply?

A Yes.

Q Now, other than those two sources, there is no other source which helped you form your opinion as to how pollution of the ground could cause pollution of the groundwater serving the city's water supply; is that true?

A I can't recall any others.

Q Were you aware in May of 1979 that the wells were closed down in the City of Woburn because of contamination found in the wells?

A I believe so.

Q Were you familiar with the types of chemicals that were found in the wells that caused them to be closed down in May of 1979?

MR. CHEESEMAN: You're asking him if he knew --

MR. SCHLICHTMANN: If he knew then, May of '79.

MR. CHEESEMAN: -- what was found in the wells?

Q In May of 1979, were you aware from any

1
2 source what chemicals caused the authorities
3 to close down the wells in May of 1979?

4 MR. CHEESEMAN: You're asking a
5 different question. You're asking him if he
6 understood what mental processes the
7 authorities went through when they shut the
8 wells down.

9 MR. SCHLICHTMANN: Let me try it
10 another way.

11 Q Were you aware in May of 1979 as to what
12 chemicals were found in the wells in May of
13 1979 that caused them to be shut down?

14 MR. CHEESEMAN: Objection.

15 MR. FREDERICO: I object.

16 MR. CHEESEMAN: Go ahead.

17 A I can't really recall.

18 Q Did you know contamination was found in the
19 wells?

20 A I believe so.

21 Q In your capacity as pollution control officer,
22 did you ever take any steps to determine
23 whether any activities done at the plant in
24 Woburn could have caused or contributed to
25 the pollution of wells G & H in the City of

Woburn?

A No.

Q Have you ever taken such steps?

A No.

Q Have you received any information which indicates to you that the activities at the Woburn plant could have caused or contributed to the contamination of wells G & H?

A I would say no.

Q Do you have an opinion today as to whether any activities done at the Woburn plant could have caused or contributed to the pollution of wells G & H?

MR. CHEESEMAN: Objection.

A I have an opinion.

Q What is that opinion?

MR. CHEESEMAN: Objection.

A I don't believe they had anything to do with the pollution of the wells.

Q Do you have an opinion as to what caused the pollution in the wells?

MR. CHEESEMAN: Objection.

A I do.

Q What is that opinion?

MR. CHEESEMAN: Objection.

A I think that Woburn is a city of tanneries, for years and years having to degrease hides for many, many -- for probably a hundred years, with extensive use of solvents, lack of any controls through the years of disposal of these solvents have permeated the ground out there and miles around; and have contributed to, rather caused the pollution in Woburn.

Q You're aware that there is a tannery to the southeast of wells G & H owned by John J. Riley Company?

A Yes, I am.

Q Do you have an opinion as to whether that tannery or its activities contributed to or caused some of the pollution at wells G & H?

MR. FREDERICO: I am not sure this is an objection to the form of the question, but I will state it anyway. I don't know what qualifications this witness has to answer the question.

MR. SCHLICHTMANN: You want to object, object.

MR. CHEESEMAN: I object as well.

A I have no opinion on Riley.

Q You have an opinion as to tanneries?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A I have an opinion of the history of the town
as I know it.

Q Are there any particular tanneries you believe
caused or contributed to the pollution of
wells G & H?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A I don't know of any.

Q How have you formed the opinion that it was
tanneries that caused the pollution of wells
G & H?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A Just from my own opinion, reading.

Q What have you read?

MR. CHEESEMAN: You mean on the
subject we --

Q What have you read to lead you to the opinion
it was the tanneries in the City of Woburn

1
2 that caused the pollution?

3 A I would say newspaper articles through the
4 years.

5 Q When do you remember reading these newspaper
6 articles?

7 A I can't remember exactly.

8 Q Was it before the wells were closed down or
9 after?

10 A I would say after.

11 Q So after the wells were closed down in 1979,
12 you came to the conclusion from reading your
13 newspapers that it was the tanneries in the
14 City of Woburn over a long period of time
15 which caused or contributed to the pollution
16 of wells G & H?

17 MR. CHEESEMAN: Objection.

18 MR. FREDERICO: Objection.

19 A It is my opinion that they contributed to it.

20 Q Do you have an opinion as to any other source
21 of pollution of wells G & H other than
22 tanneries in the City of Woburn?

23 MR. FREDERICO: Objection.

24 MR. CHEESEMAN: Objection.

25 A I think the amount of industry in that area

1
2 makes it difficult to pinpoint where pollution
3 originates, whether it has any effect on the
4 groundwater.

5 Q Are you aware of how pollution by an industry
6 can cause pollution of wells like G & H?

7 MR. CHEESEMAN: Objection.

8 Q Are you aware of the mechanism?

9 MR. CHEESEMAN: Objection.

10 Q How it takes place?

11 MR. CHEESEMAN: Objection.

12 MR. FREDERICO: Objection.

13 A I would say no.

14 Q You have no knowledge of that?

15 A I have an opinion of how it happens. I don't
16 know for sure how they -- the hydraulics of
17 the earth moving -- hydraulics of the earth
18 and moving water is.

19 Q What is your opinion?

20 MR. CHEESEMAN: Objection.

21 MR. FREDERICO: Objection.

22 A I guess my opinion is water leaches into the
23 ground and can carry substances with it into
24 the water table.

25 Q And the water table serves wells that are

1
2 serving the city with domestic water?

3 MR. CHEESEMAN: Objection.

4 A Yes.

5 MR. CHEESEMAN: Can we take a break
6 and see if they have come back with the notes?

7 (Recess)

AFTERNOON SESSION

MR. SCHLICHTMANN: Okay. Let's mark
this as Exhibit 11.

(Supply list, two pages,
marked Exhibit No. 11.)

Q Would you examine what has been marked
Shalline 11?

A Uh-huh.

Q Have you ever seen that document before?

A My attorney showed it to me.

Q Prior to your attorney showing it to you, had
you seen it before?

A I don't believe so.

Q Do you know what this document is?

A No, I don't.

Q Did your attorney show you this document with-
out the things blacked out?

A I don't think so.

Q So you just saw it with the black marks?

A Right.

Q In examining that document, you don't know
what it is?

A No.

MR. SCHLICHTMANN: Let's mark this

one dated August 4, 1967.

(Memo dated August 4, 1967,
two pages, marked Exhibit
No. 12.)

Q Did you have a chance to examine what has been
marked Exhibit 12?

A No.

MR. CHEESEMAN: I just handed it to
him.

Q Have you had a chance to look at that?

A Yes.

Q Do you recognize the document?

A Yes, I do.

Q What is this document?

A I would say it is a report that Vin Forte
wrote.

Q You are under CC?

A Yes.

Q Do you remember reading this at or around
August of 1967 or receiving it at that time?

A Not exactly.

Q You could have?

A I could have.

Q Now, on this document it states that
"although not a chemical plant, we conform

1
2 both to requirements and requests from the
3 Massachusetts Department of Public Health and
4 the Sanitation Department of the City of
5 Woburn as regards disposable solutions and
6 materials used in our hard goods manufacturing
7 processes, and also in the matter of the
8 plant's exhausts through ventilation."

9 Is that a true statement of fact?

10 MR. CHEESEMAN: To your knowledge.

11 Q To your knowledge?

12 A As far as I know it is.

13 Q Had you had any contact with the Department
14 of Public Health in the early '60s concerning
15 possible pollution problems?

16 A I don't remember if I ever did.

17 Q Did you ever have any materials from the
18 Department of Public Health in the '60s?

19 A I can't remember that.

20 Q So you don't remember ever having any contact
21 at all with the Department of Public Health
22 in the 1960s?

23 A I couldn't pinpoint that.

24 Q Did you have any contact with the Department
25 of Public Health in the '70s?

1
2 A The only one I can recall would be in -- I
3 think we have it documented. It was the
4 report on the exhaust from welding.

5 Q Is that one of the documents your attorney
6 has produced?

7 A I think we had that before.

8 MR. FREDERICO: Exhibit 2.

9 MR. CHEESEMAN: What is the date?

10 MR. FREDERICO: December 30, 1964.

11 THE WITNESS: That is the one there
12 (Indication).

13 MR. CHEESEMAN: I don't think we
14 produced this.

15 MR. SCHLICHTMANN: Do you want to
16 produce it now?

17 MR. CHEESEMAN: We should have
18 produced it. Do you have a memo dated
19 February 23, 1965?

20 MR. SCHLICHTMANN: No. Do you want
21 to make a copy?

22 MR. CHEESEMAN: Let me just read
23 through it. I was under the impression we
24 produced it.

25 MR. SCHLICHTMANN: I have nothing

1
2 for '65. It must be a good one.

3 MR. CHEESEMAN: I can't give you this
4 without blacking out parts of it.

5 MR. SCHLICHTMANN: Does that have to
6 do with other chemicals?

7 MR. CHEESEMAN: Yes.

8 MR. SCHLICHTMANN: Do you still want
9 to press the issue?

10 MR. CHEESEMAN: Absolutely.

11 MR. SCHLICHTMANN: Even more so now?

12 Why don't you show it to the
13 witness and I can ask the witness about it?

14 MR. CHEESEMAN: Do you want to agree
15 that the copy -- that I will provide a copy
16 and it will be marked Exhibit 13 when I get it
17 to you?

18 MR. SCHLICHTMANN: If I make a copy
19 for you right now, will you be able to black
20 out those parts so I can refer to it?

21 MR. CHEESEMAN: Yes; if you want to
22 take a five-minute recess.

23 (Recess)

24 MR. CHEESEMAN: I believe the reason
25 we had not produced this, as I recall, is that

my office obtained that from a state agency.
It is not a document from the Grace files.
We obtained this after the litigation was
started.

(Memo dated February 23,
1965, two pages, marked
Exhibit No. 13.)

Q Have you had a chance to look at Exhibit 13?

A Yes.

Q Is this the document you referred to earlier
in the previous question as to contact with
the Department of Public Health?

A I don't believe so.

MR. CHEESEMAN: After all that.

Q Is there another document you were referring
to?

A There was a case where a fellow got sick from
welding.

MR. CHEESEMAN: That was discussed
yesterday.

THE WITNESS: That is the one I was
talking about.

Q Where someone got sick from welding?

A And they came in and found that we had adequate
ventilation, and that it was the operator or

1
2 the welder that was at fault.

3 MR. CHEESEMAN: The document I am
4 looking at is marked Exhibit 2. That was
5 discussed yesterday where the fellow got the
6 sweet taste in his mouth.

7 MR. SCHLICHTMANN: Right. He is
8 talking about an actual report from the
9 Department of Public Health about an employee
10 who was overcome by trichloroethylene fumes.

11 THE WITNESS: He was not overcome;
12 he was nauseous.

13 MR. CHEESEMAN: I don't know if any-
14 thing happened with --

15 THE WITNESS: Nothing related to a
16 chemical.

17 Q Did they talk about trichloroethylene in the
18 report?

19 A No.

20 MR. CHEESEMAN: The thing I handed
21 you does. He is saying that is not the
22 document he is thinking of.

23 Q This document you're thinking of, would you
24 tell me what that document concerns, who it is
25 from?

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2 A It concerns a welder that got nauseous from
3 welding galvanized metal. The department
4 came down and took welding samples and found
5 that the welder used -- if he had used the
6 equipment provided, he would not have been
7 influenced by the fumes.

8 Q Where did the fumes come from?

9 A Welding galvanized metal.

10 Q There was no discussion in that document about
11 chemicals?

12 A No chemicals involved.

13 Q Do you remember ever receiving a report or
14 was there an investigation by any governmental
15 agency in the 1960s at the Grace plant in
16 Woburn in which an investigation was made
17 concerning an employee who had suffered a
18 problem because of trichloroethylene?

19 A No.

20 Q Are you familiar with whether a governmental
21 agency at any time had come to the Woburn
22 plant in the 1960s because of an employee who
23 was overcome by fumes other than Shalline
24 Exhibit 13?

25 MR. CHEESEMAN: Which does not have

1
2 anything to do with such an incident,
3 apparently.

4 Q Forgetting Exhibit 13, do you recall an
5 incident in the 1960s when a governmental
6 agency came to the Woburn plant concerning an
7 incident involving an employee and fumes from
8 chemicals at the plant?

9 A No.

10 Q Shalline 13, what is that document?

11 A I don't know what it is.

12 Q Have you ever seen it before?

13 A My name is on it. I haven't seen it. I don't
14 remember seeing it.

15 Q You have never seen it?

16 A I can't remember seeing it.

17 Q Do you have any idea why a visit was made to
18 the plant to check the ventilation?

19 A No idea.

20 Q Now, it says down in the last paragraph: A
21 large spray booth is also utilized for the
22 spraying of enamel thinned with, and then it
23 is blacked out.

24 Do you know what that material is?

25 MR. CHEESEMAN: That is blacked out?

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2 MR. SCHLICHTMANN: Yes.

3 MR. CHEESEMAN: I will instruct him
4 not to answer.

5 MR. SCHLICHTMANN: I have a right to
6 ask him about all use of chemicals. You can
7 move to strike the answer.

8 MR. CHEESEMAN: I just produced a
9 document to you. Under your document --

10 Q Aside from the document, can you tell me what
11 chemical was used in 1965 to thin enamel in
12 the spray booth?

13 MR. CHEESEMAN: Let me ask you this,
14 Jan --

15 MR. SCHLICHTMANN: Can he answer --

16 MR. CHEESEMAN: I will tell you,
17 first of all, it is not one of the six
18 complaint chemicals. Can you tell me what is
19 the basis of your inquiry as to the identity
20 of specific chemicals used at the Cryovac
21 plant that were not found in wells G & H?

22 MR. SCHLICHTMANN: I believe the
23 judge was very specific. I have a right to
24 ask the witness about any use of chemicals at
25 the plant.

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2 MR. CHEESEMAN: I don't think that is
3 right. I think the judge made the remark about
4 disposal activity and environmental consultants,
5 and said he was limiting the ruling to --

6 MR. SCHLICHTMANN: He could not have
7 been any clearer. I have a right to ask what-
8 ever questions I wish relating to the use of
9 chemicals at the plant, waste disposal
10 practices; and that you have a right to move
11 to strike any of the answers at a later time,
12 and that you do not have the right to
13 obstruct me from getting answers to those
14 questions.

15 MR. CHEESEMAN: The judge said --

16 MR. SCHLICHTMANN: Do you want to go
17 back today? I think it would be reprehensible
18 for us, as attorneys, at this point to --

19 MR. CHEESEMAN: I think it would be
20 unfortunate if we have to go back. I don't
21 think the judge was giving you carte blanche
22 to ask anything you want in this case going
23 beyond the bounds of relevance.

24 Can you tell me the basis for that?
25 You may be able to persuade me. What is the

1
2 basis you have for contending that the
3 identity of substances other than the
4 complaint chemicals --

5 MR. SCHLICHTMANN: I believe that we
6 made an allegation W. R. Grace disposed of
7 hazardous chemicals in such a fashion that
8 they polluted the groundwater and endangered
9 the plaintiffs. It is not for you to inquire
10 of me as to the specific chemicals. I have a
11 right to discover all of the chemicals and all
12 the hazardous substances that W. R. Grace
13 used, as well as what their disposal practices
14 were with regard to those chemicals.

15 MR. CHEESEMAN: You inquired into
16 the disposal practices already. The identity
17 of all the chemicals that Grace had used in
18 that facility is not relevant to any alleged
19 injury to your clients.

20 Your complaint specifically alleges
21 the six chemicals were found in wells G & H,
22 and your clients were injured by drinking
23 those chemicals. Your complaint does not in
24 any place on any page allege any other
25 chemical caused your clients' injury.

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2 MR. SCHLICHTMANN: Bill, I think we
3 had this answered before the judge. I have a
4 right, according to the judge, to ask those
5 questions. My motion was granted. I have a
6 right to inquire of this witness as to the use
7 of hazardous substances in the plant and waste
8 disposal practices. If you have any problem
9 with the answers, you have a right to file a
10 motion to strike.

11 Off the record.

12 (Discussion off the record)

13 Q As to this exhibit, Exhibit 13, and forgive me
14 if I have gone over this, you're not familiar
15 with this document?

16 A No. I can't say I am.

17 Q Do you remember being interviewed?

18 A No, I don't.

19 Q Can you recall any other conversation with
20 the Massachusetts Department of Public Health
21 concerning how hazardous substances at the
22 Woburn plant should be disposed of?

23 A I can't remember having any.

24 Q You can't remember the Department of Public
25 Health coming to the plant and talking to you

1
2 or anyone else, or you obtaining information
3 from the Department of Public Health concerning
4 the disposal of waste at the Woburn plant?

5 A No, I can't.

6 (Memo dated November 22,
7 1967, nine pages, marked
Exhibit No. 14.)

8 Q Shalline Exhibit 14, have you had an
9 opportunity to examine it?

10 A Uh-huh.

11 Q Is that a document you prepared?

12 A Yes, it is.

13 Q This was prepared November 22, 1967?

14 A I would say so.

15 Q What is this document?

16 A It is informational. It is to Jim Watkins
17 about the physical plant.

18 Q Did he request that you make this document?

19 A I don't know if he did or not.

20 Q Do you know who requested you to make this
21 document?

22 A No, I don't.

23 Q What was the purpose of this document? What
24 were you suppose to do?

25 A I think it was to document if there was a

1
2 problem after hours, or if I wasn't there
3 they would know who to contact if there was a
4 power failure or gas failure or something of
5 that nature.

6 Q This was in your capacity as what?

7 A Maintenance supervisor, I guess.

8 Q You were --

9 A Or general foreman. I would say general
10 foreman.

11 Q So this was prepared by you as general foreman
12 for someone who needed the information when
13 you were not available?

14 A I believe so.

15 Q Whoever was responsible for removing waste
16 from the plant, that information was contained
17 in this memo; is that right?

18 A Yes.

19 Q Now, on this memo you have a place for
20 rubbish removal; is that right?

21 A Yes.

22 Q And that was the only entity which removed
23 materials from the plant; is that right?

24 MR. CHEESEMAN: As far as you know.

25 Q Waste materials?

1
2 A Yes.

3 Q Now, on Page 8, there is a paragraph there that
4 says: Although not a chemical plant, we
5 conform both to requirements and requests from
6 the Massachusetts Department of Public Health
7 and the sanitation department of the Town of
8 Woburn as regards disposable solutions and
9 materials used in our hard goods manufacturing
10 processes, and also in the matter of the
11 plant's exhausts through ventilation.

12 What requirements and requests from
13 the Massachusetts Department of Public Health
14 did you understand that you conformed to at
15 that time?

16 A I really don't know; other than probably
17 relating back to this document here (Indica-
18 tion).

19 MR. CHEESEMAN: Mr. Shalline, if you
20 know it relates to that document, say so. If
21 you don't know, please don't speculate or
22 guess.

23 Q Do you wish to add anything to your answer?

24 A I can't remember.

25 Q It goes on to say: Below is a breakdown of

chemicals presently in use or projected for use at the Woburn plant.

You listed the chemicals; is that right?

A Yes.

Q Does that mean you gave a complete list of all the chemicals in use at that time at the Woburn plant?

A I don't know how complete it is.

Q Did you believe it was complete at the time?

A To the best of my knowledge it was.

Q Were you the person, to your knowledge, in the best position to know what chemicals were in use at the plant at that time?

A I would say so.

Q That was your responsibility?

A Yes.

Q You have a column entitled "frequency of disposal"?

A Yes, there is.

Q What type of information were you putting under frequency of disposal?

A I think it might be monthly, yearly.

Q It is the time sequence of when it was usually

disposed of?

A I would say so.

Q It also says "approximate amount disposed of"?

A Yes.

Q You were estimating the amount disposed of at those times?

A I believe so.

Q Was trichloroethylene on that list?

MR. CHEESEMAN: If it was on this document, it would not have been blacked out.

Q So trichloroethylene does not appear on that list; is that right?

A I would say it was not used.

Q Was trichloroethylene in use at the plant at that time?

MR. CHEESEMAN: If you know.

A I can't remember if it was or not.

MR. SCHLICHTMANN: Let's go to the next document.

(Notes, two pages, marked Exhibit No. 15.)

Q What is the document marked Shalline Exhibit 15 to your knowledge?

A GCA Company was doing a project and wanted to

know the amount of solvents used in the plant.

Q Who was doing the survey?

A GCA Company.

Q Who is GCA Company?

A I don't know who they are.

Q Are they a vendor someone dealt with at the plant?

A I never dealt with them.

Q What time of year was this survey being done?

A I have a date of October.

Q 1973?

A 1973.

Q Did you see this memo at that time?

MR. CHEESEMAN: You're referring to the --

MR. SCHLICHTMANN: First page.

A It is my handwriting on there.

Q This is your handwriting?

A Yes.

Q Is that your signature?

A Yes.

Q Would you read into the record what that document says?

A Talked with Mark Bornstein 10/30/73 and gave

him above info. They are looking for large producers of contaminants such as five-tons per year and over.

Q What was the above information you gave him?

MR. CHEESEMAN: You can read the part that is not blacked out.

A Up until September used; trichloro, 150 gallons.

Q When you say up to September, what period of time are you referring to?

MR. CHEESEMAN: You mean when did it start?

MR. SCHLICHTMANN: Yes.

MR. CHEESEMAN: If you know.

A Up to '73.

Q From when?

A Inception.

Q Now, this other information that has been blacked out --

MR. CHEESEMAN: It has been blacked out.

Q -- does that refer to other chemicals?

MR. CHEESEMAN: If you remember.

Q If you remember.

MR. CHEESEMAN: Don't try to read through the black lines. Do you remember what else was on that page that is now blacked out?

A I don't know what else.

Q Who is Mark Bornstein?

A He was the person that I spoke to at GCA Company.

Q Did he call you?

A No, he didn't.

Q You called him?

A I called him with the answer.

Q Had he called you?

A He called the company.

Q Do you remember who he talked to or what that was about?

A Whoever wrote this --

MR. CHEESEMAN: He is referring to the second page.

THE WITNESS: That is the phone call requesting information.

Q Is this your handwriting or someone else's handwriting?

A Someone else.

Q They took down a message for you; is that right?

A That is right.

Q Do you remember who took down this message for you?

A I have no idea.

Q What did the message indicate to you? Could you read that?

A Solvents and hydrocarbon paints and degreasers; amount of paint and thinners used; GCA Company; environmental project agency; state of Massachusetts.

Q And there is writing over in the right of that?

A Department of Environmental Health.

MR. CHEESEMAN: I think what you read should be Environmental Protection Agency, not project.

MR. SCHLICHTMANN: All right.

Q What did they indicate to you when they gave you that message, if anything?

MR. CHEESEMAN: If you remember.

Q If you remember.

A I don't remember what it was.

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Q This was in 1973?

A I would say so.

Q Now, did you call back Mr. Bornstein or did you call -- or did he call you?

A Yes, I did.

Q What did you say to Mr. Bornstein? What took place in that conversation?

A I told him what we had used.

Q Did he identify who he was or what he was doing?

A Survey work for the state.

Q What kind of survey?

A I can't remember.

Q What did he ask you on the phone, if anything?

A I can't remember exactly.

Q To the best of your knowledge, what did he ask or indicate to you?

A Going by my answer, he wanted to know what we were, how much solvents we used.

Q All right.

A I answered him.

Q Did he ask you how you were disposing of the solvents?

A No.

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Q Did you tell him?

A No, I did not.

Q And prior to that time had you ever made any inquiries, had you ever made any phone calls to the Environmental Protection Agency prior to this phone call to Mr. Bornstein?

A No.

Q Had you ever made any telephone calls to the Department of Environmental Health?

A No.

Q Prior to this had the Department of Environmental Health ever called you?

A Not to my knowledge.

Q Had the Environmental Protection Agency ever called you?

A Not to my knowledge.

Q Was it your responsibility for dealing with any communications between the Woburn plant and the Department of Environmental Health?

A I would say so.

Q And you were responsible for dealing with any communications with the Environmental Protection Agency?

MR. CHEESEMAN: You're talking

1
2 about around the time of this?

3 MR. SCHLICHTMANN: Yes.

4 A I believe so.

5 Q And that was in your capacity as pollution
6 control officer?

7 A I would say so.

8 Q Did Mr. Bornstein request any additional
9 information?

10 A No.

11 Q Ask you to get back to him?

12 A No, he did not.

13 Q Did he ever call back?

14 A Never did.

15 Q Did you ever talk to him again?

16 A No.

17 MR. CHEESEMAN: Why don't you mark
18 this and get a clean copy from your machine?

19 MR. SCHLICHTMANN: Off the record.

20 (Discussion off the record)

21 MR. CHEESEMAN: We will mark this
22 Exhibit 16, a three-page document on W. R.
23 Grace and Cryovac Division memorandum
24 stationery.

25 In the upper left hand corner it

1
2 says "to V. A. Forte, J. W. Watkins; cc to
3 W. F. Kilduff; and in the right hand column
4 July 27, 1967, from J. F. Campbell."

5 The first two lines read: I have
6 reviewed for accuracy, 100 percent of the
7 charges in June to shop department supplies,
8 maintenance, and standing jobs.

9 Can you read the rest of it?

10 MR. SCHLICHTMANN: Yes.

11 (Memo dated July 27, 1967,
12 three pages, marked
Exhibit No. 16.)

13 Q What is Shalline Exhibit 16?

14 A Something that Joe Campbell wrote to Vin Forte.

15 Q Did you ever receive a copy of that?

16 A No.

17 Q Did you ever review it?

18 A Only with my attorney.

19 Q That is the first time you saw that document,
20 when you reviewed it with your attorney?

21 A Yes.

22 Q Who is Mr. Campbell?

23 A He worked in the accounting department.

24 Q Of Cryovac?

25 A Of Woburn.

(Letter from United States
Environmental Protection
Agency, January 15, 1982,
five pages, marked Exhibit
No. 17.)

Q Are you familiar with the letter marked
Shalline Exhibit 17?

A I don't believe so.

Q Was this letter ever brought to your attention?

A I can't remember.

Q Have you ever seen this letter before?

A I don't believe so.

Q Did Mr. Forte ever consult with you concerning,
or indicate to you that it was necessary for
him to consult with you to answer a letter
requesting information from the U.S.
Environmental Protection Agency in 1982?

A I believe that he did.

Q Do you remember him coming to you in
January of 1982 and talking to you?

A I can't remember the date.

Q Somewhere in that time?

A I can't be sure.

Q Did he indicate to you -- Do you believe it
was somewhere around the beginning of 1982?

A I think so.

1
2 Q What did he indicate to you that he had to do?

3 A He had to respond to a letter similar to this
4 letter.

5 Q When you say similar, was it this letter?

6 A I am not sure this letter or one similar to
7 it.

8 Q It was a letter requesting information?

9 A Yes, it was.

10 Q What did he indicate to you that was
11 necessary to do in answering the letter?

12 A I think we had to assemble all the information
13 that was on it, that was asked for.

14 Q Did he ask you to do that?

15 A I believe so.

16 Q Who, to your knowledge, was involved with the
17 collection of the information to answer the
18 letter from the EPA?

19 A I think Dick Stewart, Sam Knight, myself,
20 Frank Kelly and Tom Barbus, Ed Orazine; I
21 believe that is all.

22 Q Did Mr. Forte also participate in the
23 gathering of information to your knowledge?

24 A Not to my knowledge.

25 Q Was this initial discussion done at a meeting

1
2 where these other people were present, or was
3 this a personal communication between you and
4 Mr. Forte concerning the gathering of
5 information?

6 A I don't know how it worked.

7 Q Do you remember Mr. Forte coming to you
8 privately and telling you they had to respond
9 to this letter and needed you to gather
10 information, or was it done at a group
11 meeting?

12 A They gave me the letter.

13 Q He gave you the letter?

14 A Yes.

15 Q From the EPA?

16 A I believe so.

17 Q The letter he gave you, did you keep it in
18 your file?

19 A I would say not.

20 Q You don't remember keeping the letter?

21 A No.

22 Q Was that letter that he gave you similar to
23 this letter of January 15, 1982?

24 A I would say it was.

25 Q What did Mr. Forte ask you to do? What did

1
2 he say to you?

3 A I can't remember.

4 Q What did he indicate to you? What was the
5 substance of what he asked you to do?

6 A We had to gather information to respond to the
7 letter.

8 Q Did he make you in charge of this project of
9 gathering information?

10 A No.

11 Q Who was in charge?

12 A I would say Dick Stewart was in charge.

13 Q What was Dick Stewart's position?

14 A Chief engineer.

15 Q How do you know he was in charge?

16 A He was the most senior person, I guess, that
17 worked on it.

18 Q He had been at the plant the most years or
19 senior in authority?

20 A In authority.

21 Q Sam Knight was his -- What was his position?

22 A He worked for Dick Stewart.

23 Q What was his position, do you know?

24 A He was the environmental contact.

25 Q Environmental contact?

1

2

A Yes.

3

Q What is that?

4

A He was the person I would talk to at South Carolina.

5

6

Q So Sam Knight worked for Cryovac in South Carolina?

7

8

A Yes.

9

Q His position was environmental contact?

10

A I think he was environmental coordinator.

11

Q He worked for Mr. Stewart?

12

A I believe he did.

13

Q Mr. Stewart worked in South Carolina as well?

14

A Yes.

15

Q Had you ever talked to Mr. Knight before on other occasions?

16

17

A I talked to him.

18

Q What was his position?

19

A I think he was the environmental coordinator.

20

Q What was your understanding of what he did in his position?

21

22

A My understanding was he would keep all the companies advised of changes in regulations and reports required, help out in any way that we needed him.

23

24

25

1
2 Q When did Mr. Knight first assume his position,
3 if you know?

4 A I don't know.

5 Q How long had you known Mr. Knight prior to
6 January of 1982?

7 A I couldn't answer you. I would say whenever
8 he took the position. I didn't know him
9 before he took over.

10 Q How long, to your knowledge, had he been in
11 that position as environmental coordinator?

12 A I think about two years.

13 Q So you think he was environmental coordinator
14 for two years prior to January of 1982?

15 A I think so.

16 Q Prior to Mr. Knight becoming environmental
17 coordinator, who was the environmental
18 coordinator at Cryovac Division?

19 A Dave Wamer, W-A-M-E-R.

20 Q How long was Mr. Wamer environmental coordina-
21 tor to your knowledge?

22 A I would say two or three years.

23 Q Prior to Mr. Wamer, who was environmental
24 coordinator?

25 A I don't know.

1
2 Q You're not aware they had an environmental
3 coordinator prior to Mr. Wamer?

4 A Not that I can remember.

5 Q You believe the first time Cryovac Division
6 had an enviromental coordinator was when
7 Mr. Wamer took over as environmental
8 coordinator?

9 A To my memory.

10 Q Now, did you ever have any contact with
11 Mr. Wamer concerning environmental matters
12 or any matters?

13 A Very little.

14 Q What contact did you have?

15 A I can't remember what it would be about.

16 Q Do you have any idea at all what the contact
17 was?

18 A Might be that he would be looking for a
19 report. I don't know.

20 Q What kind of report?

21 A Expenditures for -- related to pollution
22 control, industrial environment.

23 Q From your memory, Mr. Wamer would call up
24 concerning what you were spending on various
25 pollution control devices?

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A For a year-end report.

Q As to what you were spending on environmental controls; is that right?

A Yes.

Q Would you give him oral reports or written reports?

A I would give him written reports.

Q Do you have copies of those reports?

A I have some.

Q Were there others you had but no longer have?

A I don't know.

Q Would these reports be made once a year?

A Yes.

Q Did you ever contact Mr. Wamer concerning environmental matters other than responding to the request of cost of various things you had done at the plant?

A Not that I can recall.

Q What costs do you remember reporting to him concerning environmental matters?

A We would document monies for dust collectors, rubbish removal, protective equipment, time spent putting the equipment together and its installation, any instrumentation that we

might have; and that is about it.

Q Would you make reports about cost of waste disposal other than rubbish?

A Yes, I would.

Q What were your reports to him about waste disposal?

A I can't remember what -- I would put the dollar value down.

Q As to what it cost to dispose of waste?

A I believe so.

Q What kind of waste did you report to him that you were removing?

MR. CHEESEMAN: What time period are you asking about?

MR. SCHLICHTMANN: During Mr. Wamer's time as environmental coordinator, which is some two or three years before Mr. Stewart -- Mr. Knight.

MR. CHEESEMAN: What were those years?

THE WITNESS: I can't remember.

Q You can't remember what?

A Late '70s.

MR. CHEESEMAN: The question is

1
2 before or after '79.

3 Q Was it before or after 1979?

4 A That I made the reports?

5 Q Yes.

6 A I believe it was after '79.

7 Q Prior to 1979 you don't recall ever making
8 reports to anyone concerning the cost of
9 various environmental control devices?

10 A I can't remember doing it.

11 Q Now, you did make reports about waste disposal
12 costs; is that right?

13 A Yes.

14 Q What wastes are we talking about?

15 MR. CHEESEMAN: What time period are
16 we talking about?

17 MR. SCHLICHTMANN: When he made these
18 reports.

19 MR. CHEESEMAN: After '79?

20 MR. SCHLICHTMANN: Yes.

21 MR. CHEESEMAN: What is the relevance
22 of waste disposal practices after the wells
23 were shut down?

24 MR. SCHLICHTMANN: To show what
25 their practices were for waste disposal.

1
2 MR. CHEESEMAN: Why is that relevant
3 to your claim your clients were injured from
4 drinking the water prior to 1979?

5 MR. SCHLICHTMANN: This is my
6 deposition of Mr. Shalline.

7 MR. CHEESEMAN: I am asking why I
8 should permit the witness to answer the
9 question.

10 MR. SCHLICHTMANN: I think I am
11 entitled to the information.

12 (Discussion off the record)

13 Q What were your waste disposal practices that
14 you reported to Mr. Wamer?

15 A We would report the costs, not the practices.

16 Q Just the costs?

17 A That is right.

18 Q Do you remember what you reported regarding
19 costs?

20 A No, I don't.

21 Q You do have those reports? Are they still in
22 existence?

23 A I have some.

24 Q And some you don't have?

25 A I don't know if I have them all or not.

1

2

Q Now, Mr. Knight took over from Mr. Wamer?

3

A That is right.

4

5

Q Other than making those reports to Mr. Wamer, did you have a discussion with Mr. Wamer at any time about what would be proper waste disposal practices at the Woburn plant at any time?

6

7

8

9

A Not that I can recall.

10

11

12

Q Did he ever send you information about waste disposal practices or what would be good waste disposal practices?

13

14

A I don't believe so.

15

16

17

Q Did you ever inquire of Mr. Wamer what would be proper waste disposal practices, or did you discuss with him the waste disposal practices at the Woburn plant?

18

19

20

A Not that I can remember.

21

22

23

Q After Mr. Wamer, Mr. Knight took over; is that right?

24

A Yes.

25

A Yes, I did.

Q Concerning cost and the things you had given

reports to Mr. Wamer about?

A That is right.

Q Did Mr. Knight ever provide you information about waste disposal practices or what they should be?

A Not that I can remember.

Q Did you ever make inquiry of Mr. Knight what waste disposal practices were at the plant or what they should be?

A I can't remember doing that.

Q Other than Mr. Knight and Mr. Wamer, you don't recall ever dealing with anyone else who dealt with environmental matters in the Cryovac Division; is that right?

A That is not true.

Q Who else did you have contact with?

A There is a new environmental person now.

Q What is his name?

A Roy Fagan.

Q Roy Fagan?

A Yes.

Q Did Mr. Fagan succeed Mr. Knight?

A I believe so.

Q Do you know when Mr. Fagan took over?

1
2 A I believe within the last two years.

3 Q Now, did you have any contact with Mr. Fagan
4 at all during the time he has been environ-
5 mental coordinator?

6 A I have talked with him.

7 Q What has your contact been concerning?

8 A Mostly concerned with getting all the MSDSs
9 and the Right-to-Know law.

10 Q What is MSDS?

11 A And OSHA.

12 Q What is MSDS?

13 A Material safety data sheets.

14 Q So you began to collect the data sheets during
15 the time Mr. Fagan took over?

16 A Right.

17 Q You didn't have safety data sheets before
18 Mr. Fagan?

19 A Yes, I did.

20 Q You did?

21 A Yes.

22 Q Did you provide those safety data sheets to
23 Mr. Wamer or Mr. Knight?

24 A I didn't provide any data sheets for them.
25 I just -- That is just relative to Woburn.

Q What do you mean that is just relative to Woburn?

A Well, there is no need for them to have it.

Q But you have given those to Mr. Fagan?

A I have not.

Q Did Mr. Knight or Mr. Wamer advise you about the law requiring MSDS?

A I would say Mr. Knight did.

Q But not Mr. Wamer?

A Not that I can remember.

Q Is that because of the requirements for data sheets came in during the time Mr. Knight was the environmental coordinator?

A Could be.

Q And to your knowledge, there was a requirement for data sheets during the time Mr. Wamer was environmental coordinator?

A I can't remember if there was.

Q You don't have anything, any information from Mr. Wamer about MSDS?

A Not that I can remember.

Q Other than information about the requirement for MSDS or safety data sheets and the OSHA requirement, did you have any other contact

1
2 with Mr. Fagan about any matters regarding the
3 environment and the Woburn plant?

4 A I had contact with him concerning a new heating
5 system.

6 Q Why did you have contact with him concerning
7 the heating system?

8 A Because we were replacing the old one with a
9 new one and they gave us some engineering
10 assistance.

11 Q Did it have anything to do with pollution
12 control?

13 A It had something to do with ventilation.

14 Q Ventilation?

15 A They gave us better ventilation.

16 Q Other than those contacts with Mr. Fagan, did
17 you have any other contact with Mr. Fagan
18 concerning environmental matters in the
19 Woburn plant in any nature that you can
20 remember?

21 A I don't believe so.

22 Q Now, other than the environmental coordinator
23 position at Cryovac Division, has there been
24 any other person you had contact with whose
25 title included environmental matters or whose

responsibilities included environmental matters?

A I think you have everyone's names.

Q All right. You mentioned Frank Kelly. Who is he and what was his position?

A He was a shipping foreman.

Q Shipping foreman at the Woburn plant?

A Yes.

Q And Tom Barbus?

A He is at the Woburn plant.

Q What was his position?

A Painter.

Q Painter?

A That is right.

Q How long had he been painter at Woburn?

A I don't know for sure.

Q Was Mr. Barbus the painter who you gave the information sheet to concerning trichloroethylene?

A Yes.

Q Yes?

A That is right.

Q That information sheet is marked Shalline Exhibit 7?

A Yes.

1
2 Q How many years prior to your giving him that
3 sheet do you remember him being the painter?

4 MR. CHEESEMAN: Why don't you ask
5 him on Friday?

6 MR. SCHLICHTMANN: Do you think he
7 could have a bad memory, too?

8 A I don't believe he was the first painter we
9 ever had. I don't know exactly when he took
10 over the duties.

11 Q He has been there for several years?

12 A A long time.

13 Q From the 1960s?

14 A I would say so.

15 Q The last name you mentioned was Mr. Orazine?

16 A Yes.

17 Q Is he Italian?

18 A Yes.

19 Q Does he only speak Italian?

20 A He speaks English.

21 MR. FREDERICO: Some Italians do.

22 MR. SCHLICHTMANN: I think the
23 information to me was we had to take a
24 deposition of someone who only spoke
25 Italian.

MR. CHEESEMAN: Not the same guy.

MR. SCHLICHTMANN: Some other one?

MR. CHEESEMAN: I wish you would hold off until summer and we can all go over.

Q What was Mr. Orazine's position?

A He was an assembly supervisor.

Q Now, did you supervise these people in collecting information or did you interview these people as part of your response to this letter from the EPA in January of 1982?

A I think that I sat in. I am not -- I would say no.

Q Were you present or did you participate in meetings concerning the gathering of information in response to this letter of January of 1982 from the EPA?

A There were times.

Q Would you describe those meetings and who was present?

A Dick Stewart, Sam Knight, myself. I think we would have a meeting with each one of those people that you mentioned.

Q All right.

A I don't know that I was there at every

1
2 meeting or group. The three of us would meet
3 with Tom Barbus. The three of us would meet
4 with Frank Kelly. We would try to gather
5 information.

6 Q All right. So you were part of the group that
7 was gathering information?

8 A I was.

9 Q You worked with Mr. Stewart and Mr. Knight
10 from South Carolina?

11 A That is right.

12 Q Is it fair to say you were coordinating this
13 investigation with Mr. Stewart and Mr. Knight
14 from South Carolina?

15 A Not fair.

16 Q What was your position in the investigation --
17 Strike that.

18 What was your position vis-a-vis
19 this investigation?

20 A I was in attendance.

21 Q Who was the person in charge from the Woburn
22 plant?

23 A I would say I was.

24 Q You were?

25 A Yes; I believe so.

1
2 Q Now, you gathered this information with
3 Mr. Stewart and Mr. Knight, and then what did
4 you do with the information you gathered?

5 A They took care of that. I didn't see it after
6 it was accumulated.

7 Q Did they take notes of their meetings or their
8 interviews with these people?

9 A I believe so.

10 Q Did they ask any of you to sign statements or
11 to give statements?

12 A Not that I know of.

13 Q Or draw up reports?

14 A Not that I know of.

15 Q But you remember that Mr. Stewart and
16 Mr. Knight took notes of meetings they had
17 with you and others?

18 A I believe they did.

19 Q Did Mr. Stewart and Mr. Knight collect
20 documents in their investigation and take
21 them with them?

22 A I don't know.

23 Q Did any of these meetings take place with
24 Mr. Forte?

25 A I don't know.

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Q Were you present at any meeting in which
Mr. Forte participated?

A Not that I can remember.

Q Did you make a report to Mr. Forte, to
Mr. Stewart, to Mr. Knight or anyone else
concerning the results of this investigation?

A No, I did not.

Q Were all your reports oral?

A I didn't give any reports.

Q Did you have discussions with Mr. Stewart
and Mr. Knight about how the plant, in your
memory, used chemicals and how they disposed
of them?

A We had discussions.

Q So you weren't making reports to them as to
what your practices were at the plant?

A In answering -- I can't answer. They would
ask questions.

Q And you would give answers?

A I would tell them what was the practice.

Q They would take notes?

A I believe they did.

Q Now, were you present at the conversation
with Mr. Kelly?

1
2 A I believe I was.

3 Q And what information did Mr. Kelly give
4 Mr. Stewart and Mr. Knight that you can
5 remember?

6 A As I remember, he was rather vague in how many
7 drums were put in the pit.

8 Q When you say put in the pit, what are you
9 referring to?

10 A The hole in the ground in the back of the plant.

11 Q When did this take place, this pit incident?

12 A Whatever the document says. I can't remember
13 the date.

14 Q Well, who brought up the incident about the
15 pit?

16 A The EPA letter.

17 Q So Mr. Stewart and Mr. Knight asked Mr. Kelly
18 about the incident involving the pit?

19 A I believe so.

20 Q And Mr. Kelly was vague in his answers about
21 how many drums went in the pit?

22 A That is right.

23 Q What do you remember him saying about what he
24 remembered about the incident?

25 A I remember he told us that he wasn't sure how

1
2 many drums were put in the pit. That is all I
3 can remember.

4 Q Was Mr. Kelly the individual who had come to
5 you and asked for your authorization to put
6 the drums in the pit?

7 A Yes.

8 Q Now, did Mr. Kelly indicate what was in the
9 drums or what the drums contained that he put
10 in the pit?

11 A No.

12 Q Was Mr. Kelly the one who actually put the
13 drums in the pit?

14 A I don't know. I didn't see it.

15 Q Did he say he was the one in charge of putting
16 all the drums in the pit?

17 A No.

18 Q Did he indicate he poured drums into the pit,
19 poured material from the drums into the pit
20 as well as put the drums in the pit?

21 A Yes.

22 Q Did he say how many drums he poured in the
23 pit?

24 A No.

25 Q Did he say the material he poured into the pit,

1
2 what it was?

3 A No, he didn't.

4 Q Mr. Barbus, what did he tell you or the group?

5 A I can't remember. I don't know if I was there
6 when he was there or not. I can't remember.

7 Q You can't remember the interview with
8 Mr. Barbus concerning the reply to the EPA
9 letter?

10 A I don't know if I was there or not.

11 Q Did you ever talk to Mr. Barbus to gather
12 information concerning a reply to the EPA
13 letter?

14 A I would say I talked to him.

15 Q What did you talk to Mr. Barbus about?

16 A I would have asked him how many drums were put
17 in the pit.

18 Q What did Mr. Barbus say?

19 A I can't remember what he said.

20 Q Did he know how many drums were put in the
21 pit?

22 A I don't think he knows.

23 Q Do you know how many materials were put in
24 the drums?

25 A No.

1
2 Q Did you ask Mr. Barbus about his use of
3 chemicals or what he did with chemicals?

4 A Not that I can remember.

5 Q How about Mr. Orazine?

6 MR. CHEESEMAN: What about him?

7 MR. SCHLICHTMANN: The Italian that
8 speaks English.

9 MR. CHEESEMAN: What is the question?

10 Q Did you have any conversation with
11 Mr. Orazine or were you present in any meetings
12 where Mr. Orazine was questioned regarding the
13 reply to the EPA letter?

14 A I don't believe I was in attendance.

15 Q Have you ever had any conversation with
16 Mr. Orazine, had any contact with Mr. Orazine
17 in reply to the EPA letter of January of 1982?

18 A Not that I can recall.

19 Q What did you tell Mr. Stewart and Mr. Knight
20 in response to gathering information for this
21 EPA letter?

22 A I can't remember the questions.

23 Q Do you remember the areas they talked to you
24 about?

25 A I am sure it would be the response to the

questions they raised.

Q Let me rephrase the question.

The EPA letter of January of 1982 states in Number 1: List all products ever manufactured by W. R. Grace and/or any subsidiary, branch and/or division at 369 Washington Street, Woburn, Massachusetts.

Did you provide any information to answer that question?

A I would say not.

Q It states in Number 2: List any and all chlorinated solvents ever generated, used or otherwise kept by W. R. Grace and/or any subsidiary, branch and/or division at the 369 Washington Street, Woburn, Massachusetts location.

Did you provide any information to answer that question?

A I probably did.

Q What information did you give them to answer that question regarding Number 2?

A I can't remember that information, what information I gave them.

Q Do you have any idea what information you

gave, what kind of information you gave?

A Probably a list of solvents that we used.

Q Is that list any document that has come in, that has been marked today?

A I can't remember.

Q Does the list you gave them still exist in your office?

A I don't have the list.

Q Do you remember giving them a written list or did you give them an oral list?

A It was not written.

Q You didn't give them a written list?

A No.

Q Did you give them an oral list?

A I can't remember.

Q You do remember giving them a list of chemicals, but you can't remember if it was oral or written?

A I believe it was oral.

Q You gave them a list of chemicals that you were familiar with that were used or generated or otherwise kept at the plant in Woburn?

A That is right.

1

2

Q How far back did you go?

3

A I don't remember.

4

Q Did you go back to 1960?

5

A I don't believe so.

6

Q How far back did you go, if you remember?

7

A I don't know how far back we went.

8

Q Did you understand that W. R. Grace had a legal

9

obligation to provide information to the EPA

10

concerning that information that they

11

requested?

12

MR. CHEESEMAN: Objection.

13

Q Was that your understanding?

14

MR. CHEESEMAN: Objection.

15

A Certainly.

16

Q Did you take it seriously, the questions they asked?

17

18

A Certainly.

19

Q Did you think it was important information to give the EPA?

20

21

A Yes.

22

Q Did you do your best in gathering the information and giving it to the proper people so it could be given to the EPA?

23

24

25

A Yes.

1
2 Q Now, Number 3 states: Identify which, if any,
3 of the following chemicals have ever been
4 generated, used or otherwise kept at the
5 369 Washington Street, Woburn, Massachusetts
6 location by W. R. Grace and/or any subsidiary,
7 branch and/or division.

8 Did you participate in answering
9 that question or providing information
10 concerning the use of chemicals listed there?

11 A I believe so.

12 Q Did you provide information as to each of those
13 chemicals, as to whether it was used or kept
14 or otherwise generated at the Washington Street
15 location?

16 A No.

17 Q What information did you provide?

18 A I provided information on what we used.

19 Q In looking at that list, would you be able
20 to tell us which of the chemicals were
21 generated, used or otherwise kept at the
22 Woburn plant?

23 MR. CHEESEMAN: Would you be able
24 to?

25 A I would say I could not.

1

2

Q Could not what?

3

A I could not tell you what was used and what
was not used.

4

5

Q Why couldn't you tell me?

6

A I don't know.

7

Q You don't know?

8

A No.

9

Q Did you know then?

10

A I would say not.

11

Q Why was it you did not know which chemicals
were used?

12

13

MR. CHEESEMAM: Objection.

14

A Because at the time I didn't know what was in
every chemical we had on the plant, on the
premises.

15

16

17

Q Or that you had used over the years?

18

A Or that included any of these substances.

19

Q Now, in Number 4: For each chemical listed in
response to Question 3, list all methods of
disposal used for each prior to November 19,
1980.

20

21

22

23

Did you help in providing informa-
tion to answer that question?

24

25

A I believe so.

1
2 Q What information did you provide in answering
3 Question 4?

4 A I can't remember.

5 Q What was the substance of the information you
6 provided?

7 A The substance would be how it was disposed of.

8 Q What information did you disclose of how it
9 was disposed?

10 A I can't remember.

11 Q Did you indicate how it was disposed or how
12 chemicals were disposed at the plant?

13 A I can't remember.

14 Q At the time you were asked to provide this
15 information, did you know how the chemicals
16 listed in Question 3 were disposed at the
17 plant?

18 A I don't remember that.

19 Q You don't know what you said or you don't
20 remember how they were disposed?

21 A I don't remember what was said and I don't
22 know what chemicals were listed and how they
23 were disposed of when I answered the letter
24 to the EPA.

25 Q You don't know how they were disposed of?

1
2 A I don't know what chemicals were included.

3 Q And the products that were used at the Woburn
4 plant?

5 A And how they were disposed of, other than down
6 the drain.

7 Q Now, Question 5 states: For each chemical
8 listed in response to Question 3, list all
9 methods of disposal used for each since
10 November 19, 1980.

11 Did you provide information to
12 answer that question?

13 A I believe so.

14 Q What information did you provide?

15 A I don't know.

16 Q Do you know now?

17 A No, I don't.

18 Q Why don't you know?

19 A I don't know if it went out on the manifest
20 or down the drain.

21 Q Since November of 1980?

22 A Yeah. I couldn't give you an answer.

23 Q Question 6: At any time, past or present,
24 has there been any aboveground or under-
25 ground storage tank or tanks, vessel or

vessels, or container or containers at the Washington Street location of W. R. Grace and/or any subsidiary, branch and/or division.

Did you help answer that question?

A I believe so.

Q What information did you provide?

A That we had no storage, underground storage tanks.

Q Had there been any storage tanks to your knowledge?

A I believe the old drawings of the property before we bought it showed some storage tanks.

Q Were those storage tanks there when W. R. Grace took over the Woburn plant?

A I don't know.

Q Which was 1960?

A I don't know.

Q Was anything done to determine whether the storage tanks were still there to your knowledge?

A Not to my knowledge.

Q Do you know whether storage tanks are there at the Woburn plant?

A I don't know if they are or not.

1
2 Q Question 10: Did W. R. Grace and/or any
3 subsidiary, branch and/or division at the
4 Washington Street location ever dig or hire
5 someone to dig any holes, trenches, pits or any
6 other excavation at the Washington Street
7 location.

8 Did you help to answer that question?

9 A I would say not.

10 Q Question 12: Were these pits, trenches or
11 other excavated areas ever used to dispose,
12 dump or otherwise hold any waste materials.

13 Did you help to answer that question?

14 A I believe I would have helped.

15 Q What information did you provide?

16 A The information that some barrels were put in
17 an excavated area.

18 Q When was that?

19 A I think '72. I don't know the date.

20 Q You helped to answer that question and gather
21 information for it?

22 A Yes.

23 Q Who was the most knowledgeable person, do you
24 think, about that incident involving the
25 disposal of drums into the pit?

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A It would have been Frank Kelly.

Q Because it is your understanding Mr. Kelly was the one who actually did the dumping of the drums in the pit?

A Yes.

Q Does Mr. Kelly still work for W. R. Grace?

A He is deceased.

Q When did he die?

A Last year.

Q Do you remember what he died from?

A Cancer.

Q What kind of cancer?

A I believe he had it in the throat. I believe it was related to throat. I am not really sure.

Q Other than Mr. Kelly, who do you think is knowledgeable, most knowledgeable, about what happened with the disposal of drums in the pit in the '70s?

A I don't know anyone else who was in attendance.

Q So it would just be Mr. Kelly?

A I am sure he didn't do it alone.

Q You don't know who he did it with?

1
2 A No.

3 Q Did you ever find out in this investigation
4 that was conducted to answer the EPA letter?

5 A I never did.

6 Q Did anyone ask you to find out?

7 A Not that I can remember.

8 Q Did Mr. Kelly ever tell you?

9 A Not that I can remember.

10 Q Number 13: If the answer to Question 12 is
11 yes, or if waste materials were disposed by
12 W. R. Grace and/or any subsidiary, branch and/
13 or division at Washington Street in any
14 unexcavated area of the property, please
15 state.

16 Did you help to answer Question 13
17 as well?

18 A I believe I may have helped.

19 Q Do you remember what information you gave
20 concerning that?

21 A I would have told them it was paint sludge.

22 Q Did you tell them what you thought was in the
23 paint sludge?

24 A I can't remember that.

25 Q Do you know what was in the paint sludge?

1

2

A I can't remember that.

3

Q What do you think to the best of your knowledge?

4

5

A Paint, mineral spirits.

6

Q Anything else?

7

A Fish oil.

8

Q Anything else?

9

A Not that I can think of; maybe other solvents.

10

Q Maybe other solvents?

11

A I don't know what they put in the drums.

12

Q You don't know what they put in the drums?

13

A No.

14

Q Do you have any idea?

15

A I would say the same thing that -- paint thinner and oil.

16

17

Q Anything else?

18

A Not that I know of.

19

Q So what was disposed of in the pit, to your knowledge, was paint sludge?

20

21

A Yes.

22

Q Which contained all of the things that you listed?

23

24

MR. CHEESEMAN: I think --

25

Q Which you think may contain those things?

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A Yes.

Q You don't know what it contains?

A No. My understanding is it was paint sludge.

Q Have you ever made an investigation to determine what, in fact, went into the pit?

A No.

Q To this day, you do not know?

A No.

Q To this day, has W. R. Grace made an investigation as to what went into that pit during that incident?

A I've never seen any report on what was uncovered.

Q You're talking about when Grace uncovered the pit in 1983?

A Yes.

Q You never saw a report?

A Never did.

Q Did anyone ever discuss the results of the report with you?

A No.

Q Now, Number 14 states: Has W. R. Grace and/or any subsidiary, branch and/or division ever analyzed or hired or requested anyone else

1
2 to analyze samplings from any wells, ground-
3 water or tap water.

4 Did you help to answer that question
5 or provide information to answer that question?

6 A I believe so.

7 Q Would you have been the person responsible for
8 knowing that information?

9 A I have information on it that I did myself.

10 Q What was that information?

11 A I sent out a sample of water to be tested.

12 Q When did you do that?

13 A I am guessing 1980.

14 Q Why did you do it in 1980?

15 A People were complaining about the odor and the
16 sediment in the water.

17 Q Who was complaining?

18 A The employees.

19 Q Were they complaining of the taste?

20 A I believe so.

21 Q So because the employees were complaining
22 about the taste, the odor and smell of the
23 water at the plant, you sent it out for
24 analysis?

25 A Uh-huh.

1

2

Q What did the analysis show?

3

A I don't know all the chemical terms that were given.

4

5

Q What did the -- What did you understand the analysis to show?

6

7

A I guess it was a poor quality.

8

Q Did it say what was making it a poor quality, why it was poor quality?

9

10

A I can't remember. I don't know what the terms were.

11

12

Q Did you hire the company to do the sampling?

13

A I sent them a sample.

14

Q This was your idea?

15

A Yes.

16

Q Did you, in your capacity as pollution control officer at the plant, do this?

17

18

A There was concern about the safety of the employees and I would respond to a request like that.

19

20

21

Q Had they complained about that previously?

22

A I believe so.

23

Q Do you remember how far back they complained about it?

24

25

A No.

1
2 Q Was there some period of time previously?

3 A It happened occasionally.

4 Q Do you know if any of the employees were
5 concerned with the quality of the water since
6 it was reported in the papers about the wells
7 being closed down in May of 1979?

8 MR. CHEESEMAN: You're asking him if
9 anyone --

10 Q Did anyone indicate to you their concern was
11 what they read in the paper about the quality
12 of the water forcing the wells to close down
13 in May of 1979?

14 A I think everyone was concerned about the water
15 they were drinking there.

16 MR. CHEESEMAN: Move to strike the
17 answer as being non-responsive to the question.

18 He didn't ask you what everyone
19 thought. He asked you what people told you.

20 Q Did people indicate to you they were concerned
21 about the quality of the water?

22 A Some.

23 Q Did people indicate to you that they were
24 concerned about the quality of the water
25 because of the reports in the media about the

1

2

wells being closed down?

3

A It was discussed.

4

Q The employees discussed it?

5

A Yes, among themselves.

6

Q Did they discuss it with you?

7

A Some did.

8

Q Were you concerned with the quality of the
water?

9

10

A No.

11

Q You did that for the employees?

12

A That is right.

13

MR. CHEESEMAN: Do you think you can
get a position -- Let's go off the record.

14

15

(Discussion off the record)

16

(Recess)

17

MR. SCHLICHTMANN: I would like to
mark the letter dated February 5, 1982 from
the EPA - Strike that - to the EPA.

18

19

20

(Letter dated February 5,
1982, nine pages, marked
Exhibit No. 18.)

21

22

Q Mr. Shalline, are you familiar with the
document marked Exhibit 18?

23

24

A Yes.

25

Q What is that document?

1
2 A Response to the EPA letter.

3 Q Did you see that letter before it was sent to
4 the EPA?

5 A No.

6 Q Did anyone go over the contents of that letter
7 with you before it went out?

8 A I don't believe so.

9 Q It states on Page 2, talks about chemical use.
10 Do you see that on Page 2?

11 MR. CHEESEMAN: You're referring to
12 the three names of chemicals listed?

13 MR. SCHLICHTMANN: It lists chemicals.

14 MR. CHEESEMAN: That should be four.

15 A Right.

16 Q It states under trichloroethylene -- It states
17 in the first paragraph: In the course of its
18 manufacturing activities, Cryovac has utilized
19 a limited amount of chlorinated solvents which
20 are associated with a small parts painting
21 operation at the site or with parts cleaning
22 and the gluing/laminating of small parts as
23 well as cutting fluids of the type customarily
24 utilized in machine shops. These solvents and
25 cutting fluids which are undoubtedly similar

1
2 to those utilized by other manufacturing
3 activities in the area and elsewhere have been
4 used in small quantities over time as follows;
5 and then it goes on to state trichloroethylene;
6 one drum, 55 gallons, purchased in 1973.

7 Now, Mr. Shalline, based on what you
8 knew in 1982, February of 1982, was that a true
9 statement, that the Woburn plant had only
10 purchased one drum of trichloroethylene that
11 would total 55 gallons in 1973?

12 MR. CHEESEMAN: I object. I don't
13 see the relevance of what he knew in 1982. We
14 all know at this point that information was
15 incomplete.

16 MR. SCHLICHTMANN: Bill, it is my
17 question.

18 Q Based on your knowledge in February of 1982,
19 had the Woburn plant only purchased one drum,
20 55 gallons, of trichloroethylene in 1973?

21 MR. CHEESEMAN: You're asking if he
22 knew of any other drums as of that date?

23 MR. SCHLICHTMANN: Let me ask my
24 question.

25 Q My question is a simple one, Mr. Shalline.

1
2
3 Based on your knowledge in February of 1982,
4 was that statement to the EPA made in this
5 letter true, a true statement according to
6 your knowledge that only one drum, totalling
7 55 gallons, of trichloroethylene had been
8 purchased in 1973?

9 MR. CHEESEMAN: Note my objection to
10 the question. You can go ahead.

11 A That would be a true statement.

12 Q Was that a true statement in February of 1982
13 to your knowledge?

14 A Yes, it was.

15 Q Mr. Shalline, in response to Mr. Bornstein's
16 request of you in 1973, hadn't you told
17 Mr. Bornstein in October of 1973 that there
18 had been used, that the Woburn plant had used
19 up to 150 gallons of trichloroethylene as of
20 1973?

21 A I don't know whose writing that is, but I did
22 tell him that. I don't know whose writing is
23 on the top.

24 Q That was not your writing?

25 A No.

Q But you did say that?

1

2

A Yes.

3

Q So as of 1973, you had told Mr. Bornstein that you had used up to 150 gallons as of 1973; is that right?

4

5

6

A That is right.

7

Q Did you believe that that information you gave to Mr. Bornstein was true information?

8

9

MR. CHEESEMAM: Objection.

10

Q Did you believe it to be true?

11

A I didn't give that much thought.

12

Q You helped gather information to reply to the EPA letter regarding the use of chemicals?

13

14

A Yes, I did.

15

Q Did you provide information concerning the use of trichloroethylene at the Woburn plant?

16

17

A I believe I did.

18

Q Did you indicate that to this group, that there had only been one drum of trichloroethylene purchased in 1973 or there had been other drums of trichloroethylene?

19

20

21

22

A I believe we bought only one drum.

23

Q So you had provided that information that there was only one drum that had been purchased?

24

25

1
2 A I think so.

3 Q You had indicated to other people on other
4 occasions more drums of trichloroethylene had
5 been used on other occasions?

6 A I didn't remember that.

7 Q Had you checked your records?

8 A No.

9 Q In trying to gather the information to answer
10 this EPA letter, had you checked your records
11 before providing the information about how
12 much trichloroethylene you had used?

13 A No.

14 Q You had not checked your records?

15 A It was just from memory.

16 Q Let me ask you this again, Mr. Shalline: Did
17 you think providing the information to the
18 EPA was important?

19 A Yes.

20 Q Did you think it required you to do whatever
21 was needed to gather the information so that
22 they would know exactly how much, how many
23 chemicals were used at the plant in Woburn?

24 MR. CHEESEMAN: Objection.

25 A I would agree with that.

1

2

Q But you didn't check your records to gather that information about how much trichloroethylene had been used; is that right?

3

4

5

A I was sure there was only one drum.

6

7

Q But you didn't check your records to see if your memory was correct?

8

A No, I didn't.

9

10

Q Did you also rely on your memory concerning the use of toluene, or did you check the records on that one?

11

12

A I can't remember on that one.

13

Q Did you rely on your memory, do you think?

14

A I don't know if I provided that information.

15

Q Weren't you the one who was in charge of gathering information about chemical use?

16

17

A I think at the time I was.

18

Q So this information came from you?

19

A I can't be sure.

20

Q Did you check your records in giving information as to toluene use, or did you rely on your memory?

21

22

23

A I wouldn't have any records of toluene.

24

Q How about acetone?

25

A I wouldn't maintain any records.

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Q How about 1,1,1-trichloroethane?

A We used that and still use it. That is a water soluble cutting fluid.

Q Do you keep records of how much trichloroethane you have used?

A No.

Q Did you help provide information for that?

A I can't remember doing it.

Q Was someone else in charge of keeping that information other than you?

A I think they may have gone to the person in charge for that department.

Q Were you the one who kept records concerning the chemicals used at the plant?

A Yes. I would keep records concerning -- of the material, not the quantity.

Q But the material?

A Yes.

Q Who was the person who would keep the records concerning quantity?

A I don't know of anyone who would.

Q Based on what you know, Mr. Shalline, at the present time, is the statement contained in that letter of February of 1982 concerning

1
2 the fact that only one drum of trichloroethy-
3 lene had been used by the plant and had been
4 purchased in 1973, is that a true statement
5 based on what you now know?

6 A I don't believe so.

7 Q You don't believe it is a true statement?

8 A No. I think we have documents that more drums
9 were bought than one.

10 Q So at the time the statement was made, that
11 was not true?

12 A It was made to the best of my knowledge.

13 Q You have since realized it is not true?

14 A That is right.

15 Q Have you made a determination as to whether
16 the other information given the EPA about
17 toluene was a true statement or an untrue
18 statement?

19 A I would say that is true.

20 Q How about acetone?

21 A I'm not familiar with that.

22 Q How about 1,1-trichloroethane?

23 MR. CHEESEMAN: There are no
24 quantities listed under that sentence.

25 MR. SCHLICHTMANN: It is under the

1
2 next paragraph.

3 A That first line is the cutting fluid that we
4 used.

5 Q The next one is 1,1,1-trichloroethane.

6 A I think that is really not clear. The cutting
7 solution that we buy is 30 percent 1,1,1-
8 trichloroethane.

9 MR. CHEESEMAN: I think the witness
10 is --

11 THE WITNESS: We did not buy a drum
12 of trichloroethane.

13 Q But you buy materials that contain trichloro-
14 ethane?

15 A Yes.

16 Q Is the amount you kept on hand historically,
17 was that amount based on your memory?

18 A I don't know where they came up with four or
19 five drums. I think it is a high level.

20 Q You don't know where it came from?

21 A No.

22 Q Would you have been able to help them in
23 coming up with the right number of drums that
24 was historically kept?

25 MR. CHEESEMAN: Are you asking if

1
2 that is information he would normally have
3 access to?

4 Q Is that information you --

5 A I would go out and look and see if there was
6 two drums or four.

7 Q Did you --

8 A That is --

9 Q -- do that?

10 A Not that I can remember.

11 Q You never went out to look at how many drums
12 there were?

13 A I know how many there are.

14 Q How many are there?

15 A I would say two.

16 Q You mean now?

17 A Now.

18 Q The letter refers to paint sludge. Do you
19 know what the constituents of the paint sludge
20 were?

21 A No.

22 Q You don't know what the material was in the
23 paint sludge?

24 A No, I don't.

25 Q Do you know now?

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A No.

Q To your knowledge, has the plant made any attempt or has anyone conducted an investigation to determine what exactly was in the paint sludge?

A Nothing has been done.

Q It states in Page 3: As part of the cleanup activity --

MR. CHEESEMAN: Where are you?

MR. SCHLICHTMANN: Middle paragraph.

Q It says: In the summer of 1974, Manzelli was hired in connection with the construction of an addition to our plant. Incident to the construction, a pit was dug and used to buy construction debris as part of a general clean-up.

Was that your understanding as to why the pit was dug, or did that information come from someone else?

A I don't know why the pit was dug, but it sounds logical.

Q Do you know who supplied that information?

A No, I don't.

Q You didn't supply that information?

1
2 A No, I did not.

3 Q You have no knowledge about that?

4 A Never saw it.

5 Q As part of the cleanup activity, we estimate
6 that between 10 and 15 filled or partially
7 filled drums of accumulated paint sludge were
8 emptied into the pit in the belief that the
9 paint sludge would -- was generally
10 innocuous in nature.

11 Did that information come from you?

12 A No.

13 Q Who did that information come from?

14 A I don't know.

15 Q Did it come from Mr. Kelly?

16 A I don't know.

17 Q You don't know who said it was 10 to 15 drums
18 poured into the pit?

19 A No.

20 Q Do you have any knowledge how many drums were
21 poured into the pit?

22 A No, I don't.

23 Q Have you ever made an investigation or has it
24 ever come to your attention from any source
25 as to how many drums were poured into that

1
2 pit?

3 A Only what is documented here. I don't think
4 anyone knows how many drums were put in.

5 MR. CHEESEMAN: Move to strike the
6 answer as non-responsive to the question.

7 Q Is it your opinion, Mr. Shalline, no one knows
8 how many drums were poured into that pit?

9 MR. CHEESEMAN: Objection.

10 Q You can answer.

11 A I don't know.

12 Q Is it your opinion that no one can tell how
13 many drums were poured into that pit?

14 MR. CHEESEMAN: Objection.

15 Q To your knowledge.

16 A I would say no.

17 Q No one can tell?

18 A I don't know who was there. Whoever was there
19 probably could tell you.

20 Q The only person you know who was there is
21 Mr. Kelly, and he is deceased?

22 A That is right.

23 Q Did Mr. Kelly say how many drums were put in
24 there or was he vague about how many drums
25 were put in there?

1
2 A He didn't know.

3 Q Did you believe the paint sludge was generally
4 innocuous in nature?

5 A I believe it was.

6 Q Do you believe based on the information you
7 have now, Mr. Shalline, the paint sludge was
8 generally innocuous in nature?

9 MR. CHEESEMAN: Objection.

10 A I don't know.

11 Q Well, are you familiar with the fact that the
12 pit has been excavated?

13 A Yes.

14 Q And that the material has been sampled?

15 A No.

16 Q You're not familiar with that?

17 A Never saw any samples.

18 Q No one ever went over with you?

19 A No.

20 Q To this day, you don't know what was in the
21 paint sludge?

22 A That is right.

23 Q To this day, you believe that -- Is the plant
24 still producing paint sludge?

25 A Yes, they do.

1
2 Q Do you believe today that paint sludge is
3 innocuous?

4 MR. CHEESEMAN: Objection.

5 A I would say no.

6 Q It is not innocuous?

7 MR. CHEESEMAN: Objection.

8 A It probably is.

9 Q Is there any solvents being used in the paint-
10 ing process now?

11 A Thinners.

12 Q Do you know if those thinners leave any
13 residue in the paint sludge?

14 A I don't know if they do or not.

15 Q You haven't made any tests to determine that?

16 A No.

17 Q How do you dispose of paint sludge now?

18 MR. CHEESEMAN: Objection.

19 MR. SCHLICHTMANN: I want to know
20 whathe does with the paint sludge now.

21 MR. CHEESEMAN: Why?

22 MR. SCHLICHTMANN: I have the right
23 to ask the question.

24 MR. CHEESEMAN: I don't think the
25 witness --

1
2 MR. SCHLICHTMANN: Are you instructing
3 him not to answer the question?

4 MR. CHEESEMAN: I will be happy to
5 instruct him not to answer that question.

6 Q What is done with paint sludge now?

7 MR. CHEESEMAN: I will instruct the
8 witness not to answer.

9 MR. SCHLICHTMANN: Can we have
10 another conference?

11 MR. CHEESEMAN: Sure.

12 (Recess)

13 Q The exhibit goes on to say: No drums were
14 placed in the pit which was closed within a
15 week after it had been opened.

16 Was that a true statement to your
17 knowledge?

18 A I don't know if it is or not.

19 Q You don't know?

20 A I didn't see the pit.

21 Q You never saw the pit?

22 A Never did.

23 Q You never went back to see where that
24 individual who came in to tell you he would
25 like to dump paint sludge in the pit, you never

checked on it?

A No, I did not.

Q Do you know who provided the information that no drums were placed in the pit?

A No.

Q Based on what you now know, is that statement true, that no drums were placed in the pit which was closed within a week after it was opened?

MR. CHEESEMAN: If you know.

Q If you know.

A I saw them unearth two drums.

Q When they excavated the pit?

A Yes.

Q So based upon that information, you now know that statement made in February of 1982 is not true; is that correct?

MR. CHEESEMAN: Where is the sentence?

A At the time it was a true statement to the best of our knowledge.

Q So based upon your investigation, you believed that no drums were placed in the pit after you interviewed all the employees you

believed was involved in the incident; is that right?

MR. CHEESEMAN: Did he say he interviewed them?

MR. SCHLICHTMANN: He was part of the investigation.

MR. CHEESEMAN: I thought he said he was not familiar with that part of it.

Q Mr. Shalline, did you understand the question?

A I don't know if drums were placed in the pit.

Q Did the investigation, to which you took part, ever uncover or indicate whether any drums were placed in the pit?

A No.

Q It did not uncover whether there were?

A Not that I can remember.

Q Based on what you know now, do you now understand that statement in February of 1982 is untrue?

A I would say that is true.

Q That the statement is untrue?

A Yes; having seen the two drums come out.

Q This incident was the only time in which a pit was opened on the property for waste

disposal.

Was that a true statement in February of 1982?

A Best of my knowledge.

Q And that was based upon your investigation done at the time in February of 1982?

A I would say so.

Q Mr. Shalline, in your capacity as pollution control officer, do you have an opinion as to whether W. R. Grace's Woburn plant took appropriate steps in protecting the community from toxic substances at the Woburn plant?

MR. CHEESEMAN: Objection to the question.

A My opinion --

MR. CHEESEMAN: I think he asked if you had an opinion.

MR. SCHLICHTMANN: Yes.

MR. CHEESEMAN: It calls for a yes or no answer.

Q Do you have such an opinion?

A Yes.

Q What is your opinion?

MR. CHEESEMAN: Objection.

1
2 A We are aware of the environment and surround-
3 ings.

4 Q All right. Do you have an opinion as to
5 whether you were aware of the environment and
6 surroundings in the 1960s?

7 MR. CHEESEMAN: Objection.

8 A I would say we were.

9 Q Do you have an opinion as to whether you were
10 aware of the environment and surroundings in
11 the '70s?

12 MR. CHEESEMAN: Objection. Listen
13 to the question.

14 A I would say yes.

15 Q You have an opinion?

16 A I have an opinion.

17 Q You stated in your opinion W. R. Grace's
18 Woburn plant was aware of the environment in
19 the '60s; is that right?

20 MR. CHEESEMAN: Objection.

21 MR. FREDERICO: I object to the form.

22 A In my opinion, yes.

23 Q I am asking you this: Do you have an opinion
24 as to whether W. R. Grace's Woburn plant
25 took reasonable steps to protect the

community from hazardous substances used at the
plant in the 1960s?

MR. CHEESEMAN: Objection.

A I don't know.

Q What is it you don't know?

MR. CHEESEMAN: Objection.

A I don't know if there was anything that could
be interpreted that it contributed to any
pollution.

Q Could there have been something done which
would have contributed to pollution to the
community in the 1960s?

MR. CHEESEMAN: Objection. What do
you mean by could have?

MR. SCHLICHTMANN: If he doesn't
understand the question he can tell us.

MR. CHEESEMAN: You're asking him to
speculate.

MR. SCHLICHTMANN: I am asking him a
question. The question is plain and obvious.
If he doesn't understand the question, he can
tell me.

MR. CHEESEMAN: I will instruct him
not to answer.

1
2 Q Did you understand the question?

3 MR. CHEESEMAN: I am instructing him
4 not to --

5 MR. SCHLICHTMANN: I am asking if he
6 understands the question.

7 MR. CHEESEMAN: Even if he under-
8 stands --

9 MR. SCHLICHTMANN: You're instructing
10 the witness not to answer even if he under-
11 stands the question?

12 MR. CHEESEMAN: Yes.

13 MR. SCHLICHTMANN: Okay.

14 Q Just so the record is clear, I am asking you,
15 in your opinion, was anything done in the
16 1960s at the W. R. Grace plant in Woburn
17 which contributed to the pollution of the
18 environment.

19 MR. CHEESEMAN: Objection.

20 A I would say no.

21 Q What is the basis of your opinion?

22 MR. CHEESEMAN: Objection.

23 A I don't know what it could have been.

24 Q What what could have been?

25 MR. CHEESEMAN: Objection.

1
2 A Whatever you're talking about that polluted
3 the environment.

4 Q All right. Do you have an opinion as to
5 whether anything was done at W. R. Grace's
6 plant in Woburn in the 1970s which could have
7 caused pollution of the environment?

8 MR. CHEESEMAN: Objection.

9 Q Which caused pollution of the environment?

10 A I would say no.

11 Q What is the basis of your opinion?

12 MR. CHEESEMAN: Objection.

13 A I don't know what it would have been.

14 Q That could have caused pollution?

15 A Yes.

16 Q In your opinion as pollution control officer,
17 do you believe or do you have an opinion as
18 to whether allowing the disposal of drums
19 containing paint sludge into the pit in the
20 mid '70s caused pollution of the environment?

21 MR. CHEESEMAN: Objection.

22 A I don't believe so.

23 Q In your opinion?

24 A In my opinion.

25 Q What is the basis of that opinion?

MR. CHEESEMAN: Objection.

A I believe the material had solidified on exposure to air.

Q And it would have solidified during the process of it being poured into the pit?

MR. CHEESEMAN: Objection.

A It would solidify when it was exposed to air.

Q So that, in your opinion, the pouring of this material into the pit would not have caused a pollution problem?

MR. CHEESEMAN: Objection.

A I believe that is true.

Q Do you have an opinion as to whether pouring paint sludge or waste material containing trichloroethylene during the 1960s on the ground to the rear of the property caused or contributed to a pollution problem?

MR. CHEESEMAN: Objection.

A In my opinion it did not.

Q What is the basis of that opinion?

MR. CHEESEMAN: Objection.

A I don't know that any trichloroethylene was out there. The paint sludge had solidified.

Q You know paint sludge was poured out there?

MR. CHEESEMAN: Objection.

A No. Whatever was in the drums, I assumed it was paint sludge.

Q Assuming that the paint sludge contained trichloroethylene, do you have an opinion as to whether the pouring of that paint sludge material to the rear of the property in the 1960s contributed to a pollution problem?

MR. CHEESEMAN: Objection.

A I don't believe it did.

Q What is the basis of your opinion?

MR. CHEESEMAN: Objection.

A Evaporation of the trichloroethylene.

Q Assuming that the paint sludge contained trichloroethylene which was poured into the pit in the mid '70s, do you have an opinion as to whether that incident contributed to the pollution of the environment?

MR. CHEESEMAN: Objection.

A I don't believe it did.

Q What is the basis of your opinion?

MR. CHEESEMAN: Objection.

A Evaporation of the trichloroethylene.

Q Do you have an opinion as of today whether --

Strike the question.

MR. CHEESEMAN: Strike them all.

Q Do you have an opinion as to whether W. R. Grace at their Woburn plant in the 1960s had a proper waste disposal program for the disposal of hazardous substances produced at the plant during that period of time?

MR. CHEESEMAN: Objection.

A I can't answer.

Q Why can't you answer the question?

A I don't know what would be proper at that time, what rules and regulations, if any, apply at that time.

Q All right. Assuming for the moment that no rules and regulations applied, do you have an opinion as to whether that would have been a proper disposal practice of hazardous substances produced at the plant?

MR. CHEESEMAN: Objection.

A Being disposed of down the drain? Is that what you're asking?

Q I am asking whether the program that W. R. Grace had, to your knowledge, at its Woburn plant for the disposal of hazardous

substances was, in your opinion, an appropriate program in the '60s.

MR. CHEESEMAN: Objection.

A My opinion, it was.

Q Now, why do you believe it was appropriate?

MR. CHEESEMAN: Objection.

A I would say we followed standard practice of disposal, standard industrial practice.

Q Do you have an opinion as to whether the waste disposal practice at W. R. Grace in Woburn was appropriate during the 1970s?

MR. CHEESEMAN: Objection.

A I believe it was.

Q Why do you believe it was?

MR. CHEESEMAN: Objection.

A For the same reason.

Q Which is?

MR. CHEESEMAN: Objection.

A Standard industrial practice.

Q And you believe the waste disposal practice that W. R. Grace's Woburn plant has in the 1980s is appropriate?

MR. CHEESEMAN: Objection.

A I do.

1

2

Q What is the basis of your opinion?

3

MR. CHEESEMAN: Objection.

4

A We adhere to the rules and regulations that apply.

5

6

Q Rules and regulations promulgated by the state and federal authorities?

7

8

A That is right.

9

Q Do you comply with industrial practice?

10

MR. CHEESEMAN: Objection.

11

A I would say that is industrial practice today.

12

Q Is your opinion industrial practice in the 1960s allowed for the disposal of hazardous substances on the ground?

13

14

15

MR. CHEESEMAN: Objection.

16

MR. FREDERICO: Objection.

17

A I don't know.

18

Q Is it your opinion that industrial practice in the 1970s allowed for the disposal of hazardous substances in a pit dug in the ground?

19

20

21

22

MR. FREDERICO: Objection.

23

MR. CHEESEMAN: Objection.

24

A I think that was a standard practice by some companies.

25

1
2 Q Was that the standard practice of the Cryovac
3 Division of W. R. Grace?

4 MR. CHEESEMAN: Objection.

5 A No, it is not.

6 Q Was it the standard practice of W. R. Grace,
7 to your knowledge, to dispose of hazardous
8 substance on the ground in the 1960s?

9 MR. CHEESEMAN: Objection.

10 A I don't know if it was or not.

11 Q Do you know if it was standard practice of
12 W. R. Grace in the 1970s to dispose of
13 hazardous substance into a pit dug into the
14 ground on their property?

15 MR. CHEESEMAN: Objection.

16 A I would say it was not.

17 Q Do you know why it was not standard practice?

18 MR. CHEESEMAN: Objection.

19 A I can't answer that.

20 Q Are you aware of any other plants owned by
21 W. R. Grace where hazardous substances were
22 disposed of on the ground on their property?

23 MR. CHEESEMAN: You're asking if
24 he knows?

25 Q If you know.

1
2 A I do.

3 Q What do you know?

4 MR. CHEESEMAN: Objection.

5 A I know of Dewey & Almy in Cambridge.

6 Q Dewey & Almy is owned by W. R. Grace?

7 A They weren't at the time.

8 Q They are now?

9 A They are now.

10 Q What do you know about what happened at
11 Dewey & Almy in Cambridge?

12 MR. CHEESEMAN: I object. I think
13 this is too remote. You're asking about what
14 happened in Cambridge in the '50s.

15 Q When did this activity take place?

16 A In the '50s.

17 Q Dewey & Almy was not owned by Grace in the
18 '50s?

19 A No.

20 Q When you worked for Dewey & Almy, was it
21 their practice to dispose of hazardous
22 substances on the ground?

23 MR. CHEESEMAN: I don't think that
24 is appropriate to --

25 MR. SCHLICHTMANN: It is

appropriate to his experience.

A I don't know if it was common practice or not.

Q But they did do it?

A On occasion.

Q Did you participate in it?

A No, I didn't.

Q Did you ever dispose of hazardous substances for Dewey & Almy on their property?

A No.

Q That company was later bought by W. R. Grace?

A Yes.

Q Are you aware of whether W. R. Grace, whether any dumping of hazardous waste on that property owned by W. R. Grace ever took place while it was owned by W. R. Grace?

MR. CHEESEMAN: Objection. I instruct him not to answer.

Q Do you have such knowledge?

A I have no knowledge of that.

Q Do you have any knowledge of any other plant which is part of the Cryovac Division in which hazardous substances were disposed of on the ground?

A No knowledge.

1
2 Q Do you have any knowledge of any plants owned
3 by W. R. Grace at which hazardous substances
4 were disposed of in pits dug into the ground?

5 A No, I don't.

6 MR. SCHLICHTMANN: Now, Shalline
7 Exhibit 14 is a memo produced by Mr. Shalline
8 at which he listed the chemicals being used
9 at the plant, their concentrations, their
10 frequency of disposal and the approximate
11 amount disposed. I wish to inquire of
12 Mr. Shalline as to what those chemicals are
13 that are listed in that document and what
14 information he has concerning those.

15 MR. CHEESEMAN: Where is that?

16 MR. SCHLICHTMANN: Exhibit 14.

17 MR. CHEESEMAN: You're referring
18 to Pages 8 and 9?

19 MR. SCHLICHTMANN: Yes.

20 MR. CHEESEMAN: You're now giving
21 me a list of questions you --

22 MR. SCHLICHTMANN: That I want to
23 inquire into.

24 MR. CHEESEMAN: Which you know are
25 sensitive to me?

1
2 MR. SCHLICHTMANN: Yes; the sensitive
3 questions.

4 MR. CHEESEMAN: What else?

5 MR. SCHLICHTMANN: I want to ask the
6 following questions or the following lines of
7 examination: Do you remember whether you at
8 any time consulted with an expert in
9 environmental matters associated with W. R.
10 Grace.

11 MR. CHEESEMAN: He answered that
12 question.

13 MR. SCHLICHTMANN: He didn't complete
14 the question on what occasions he consulted
15 with an expert on environmental matters
16 associated with W. R. Grace.

17 MR. CHEESEMAN: Let me look for that.

18 MR. SCHLICHTMANN: It is the second
19 question.

20 Let me strike everything that I have
21 said so far; wipe it off the record with your
22 permission.

23 I wish to ask questions in the
24 following areas: I wish to inquire of
25 Mr. Shalline as to what occasions he consulted

1
2 with an expert on environmental matters
3 associated with W. R. Grace. In other words,
4 I wish to inquire of Mr. Shalline as to what
5 occasions he had contact with an expert on
6 environmental matters who worked for W. R.
7 Grace and what his consultations or contacts
8 were concerning.

9 I want to inquire of Mr. Shalline as
10 to whether he consulted with an expert with
11 W. R. Grace concerning any environmental
12 matters and what those contacts or consulta-
13 tions were.

14 MR. CHEESEMAM: That is the same
15 question.

16 MR. SCHLICHTMANN: I want to inquire
17 of Mr. Shalline whether he ever consulted with
18 an expert and what he consulted an expert for
19 with W. R. Grace concerning environmental
20 matters regarding the chemicals used at the
21 Woburn plant.

22 I want to inquire of Mr. Shalline
23 whether he consulted, ever consulted any
24 expert from whatever source on the use of
25 any chemicals at the Woburn plant. I wish

1
2 to inquire as to what experts and to which
3 chemicals, as to what information those
4 experts gave him.

5 I want to inquire of Mr. Shalline as
6 to whether he at any time consulted with an
7 expert from whatever source concerning what
8 would constitute safe waste disposal practices
9 of waste which may contain chemicals which
10 were used at the plant. I want to inquire as
11 to which experts, what chemicals and what
12 information they provided to him concerning
13 safe waste disposal practices concerning
14 those chemicals.

15 I want to note for the record the
16 witness has indicated that he consulted
17 experts as to chemicals other than the six
18 chemicals which have been listed.

19 I also wish to inquire of
20 Mr. Shalline as to his knowledge concerning
21 the use of chemicals at the Woburn plant and
22 how those chemicals were disposed of at the
23 plant throughout the time that he was
24 employed with W. R. Grace.

25 MR. CHEESEMAN: Any and all

chemicals?

MR. SCHLICHTMANN: Any and all waste disposal practices regarding those chemicals.

MR. CHEESEMAN: Soap in the men's room, chemicals used in the Xerox machine, wax for the office floors, toilet bowl cleaner?

MR. SCHLICHTMANN: If he has knowledge as to those chemicals, I would like to know.

MR. CHEESEMAN: Okay.

MR. SCHLICHTMANN: I am particularly interested in hazardous chemicals or hazardous substances.

MR. CHEESEMAN: How do you define those?

MR. SCHLICHTMANN: I believe the witness has already defined hazardous.

I think we can leave it that I wish to inquire as to all hazardous substances to which he has knowledge, which he considered hazardous at the plant and how they were disposed of.

I wish to inquire of Mr. Shalline

1
2 as to his knowledge of the waste disposal
3 practices of W. R. Grace concerning hazardous
4 substances at the plant after May of 1979.

5 MR. CHEESEMAM: He has indicated on
6 several occasions that the plant had complied
7 with current RCRA and state regulations, but
8 you now want him to detail everything he knows
9 about how that works?

10 MR. SCHLICHTMANN: Yes. I would like
11 him to give me his knowledge as to how
12 hazardous substances after May of 1979 were
13 disposed of at the plant.

14 (Discussion off the record)

15 (Whereupon the deposition
16 was suspended at 5:50.)
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF NORFOLK)

I, Valerie T. Wong, Notary Public
within and for the Commonwealth of Massachusetts,
do hereby certify:

That PAUL SHALLINE, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me and that such deposition is a true record of
the testimony given.

I further certify that I am not
related to any of the parties to this action by blood
or marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed my seal of office this
9th day of March, 1985.

Valerie T. Wong
NOTARY PUBLIC

My Commission Expires:
November 5, 1987.